

A

L E T T E R

TO THE RIHGT HONOURABLE.

GEORGE GRENVILLE.



A

LETTER

To the Right Honourable

GEORGE GRENVILLE,

OCCASIONED

By his Publication of the SPEECH he made in the House
of Commons on the Motion for expelling Mr. Wilkes,
Friday, February 3, 1769.

To which is added,

LETTER

ON THE

Public Conduct of Mr. *WILKES*,

First Published November 1, 1768.

With an APPENDIX.

'Tis all a LIBEL—*Grenville*, Sir, will say—
Not yet, my Friend! to-morrow 'faith it may;
And for that very cause I print to-day.

POPE.

London:

Printed for ISAAC FELL, N^o 14, Pater-noster-row.

MDCCLXIX.



TO THE

Right Honourable GEORGE GRENVILLE.

SIR,

THE world is greatly indebted to your indulgence for the publication of your *Speech on the motion for expelling Mr. Wilkes, Friday, February 3, 1769*, and the assiduous labour of the last eight months to correct and polish the only Ciceronian oration you have ventured to the press. You have in particular helped the invention of *Pensioner Johnson* for many pages in a future *Magazine*, or volume of the *Parliamentary Debates*, and saved his bookseller two or three guineas. The subject, I must own, merited all your care and attention. There is no harangue you ever made in Parliament of so important a nature, except in the

B

single

single case of *General Warrants*, on which you again enlarge much on the present occasion. The affair of *Mr. Wilkes* interests indeed every Member of the Lower House and every elector in the kingdom, but a *General Warrant* may carry horror and cruelty to every family and every individual in the island, for it can be considered in no other light than as a declaration of war against the people at large. Your harangues on that subject in February 1764 might not perhaps be so popular, but they would be still more curious and interesting even than the present *Speech*, only I fear they would take more years than the other has months to render them in any way palatable to the public. I was in the gallery, Sir, during the whole debate on the third of last February, and I recollect your arguments, which were sensible and cogent, altho' I do not remember all the *melliti verborum globuli* of the *Speech* published last Monday. The warmth of the colouring, the glowing touches, and soft graces have grown since under your *forming hands*, or those more elegant of a new friend, on whom nature has lavished all the powers of *the sublime and beautiful*, or perhaps they may be the first fruits of the *Grenvillian Family Compact*.

The

The present production has indeed no small degree of literary merit, and if I did not hear you, I read you through with satisfaction and ease. I afterwards went to see my old friend, the state prisoner, at the King's Bench. I enquired if he had seen your *Speech*. He told me, *that he had read it with great care; that he considered it as a direct act of hostility on your part; that as to the vote you gave in parliament against his expulsion, he had not the obligation of that vote to Mr. Grenville; that the SPEECH was crowded with falsehoods; that he had always detested you as a minister, but despised you as a private man; and that he should never think it worth his while to take the least notice of your illiberal abuse.* This he declared to be his fixed purpose, and it is well known how invariable he is in all his resolutions. But although Mr. Wilkes determines to pass over this feeble attack of an enemy, who fights only with the weapons of malice and falsehood, I shall not suffer such an injury done my friend to pass unnoticed or unpunished. I now call upon you, Sir, to justify yourself at the candid and impartial, but awful, tribunal of the public. The charge will be direct and pointed. Your answer ought to be plain and full.

The injurious treatment Mr. Wilkes has received from you did not begin with the publication of last Monday. You have formerly acted a most unjust and wicked part with respect to him, altho' with your natural cowardice and cunning, in a safe and covert manner. After the mock abdication of Lord Bute in April 1763, it was given out *by authority* to the foreign ministers, and to all concerned in public affairs at home, that the King had placed his government in the hands of *Mr. Grenville* and the Earls of *Halifax* and *Egremont*, who in all matters of moment were to act in conjunction. The famous triumvirate were *ordered* to agree, and at no time to fail concurring in every point of importance, but never to open except like a parish chest with the three keys together. This happened in the middle of April, and the end of the same month the *General Warrant*, signed by *Lord Halifax* issued, not only without any information upon oath, but without the least information whatever, except the publisher's name. You did not indeed sign the *General Warrant*, nor the Warrant of Commitment to the Tower, in which both the Secretaries concurred, because that business was not in your department as First Lord of the Treasury, and Chancellor of the Exchequer; but you

*"To apprehend and seize, together with their papers, advised,
the authors, printers, and publishers of the North Briton,
No 45"*

advised, approved, and afterwards justified the measure both in and out of parliament. The whole plan was your own, and every part of it was carried into execution *te consilium, et tuos præbente dolos.* You have in this manner artfully escaped the prosecution, which Mr. Wilkes carried on against the two Secretaries of State, your coadjutors and associates in power, but your guilt is equal. The low cunning which marks your character, saved you here, and has always saved you through life. Your conduct with respect to the late felonious Peace was alike cautious, subtle, and well calculated for your own private safety. You quitted the post of Secretary of State not three weeks before even the Preliminaries of Peace could be signed, and you ridiculously accepted Sir Edward Hawke's present office of First Lord of the Admiralty, because you knew how base and dishonourable the conditions of the Peace were, and foresaw the probability of the resentment, which a brave, injured people have at length shewn against every person concerned in that treachery. I do not charge the late treaty as your act, but I accuse you as having in the Cabinet and in Parliament justified even the *Preliminary Articles*, altho' the *East India Company* would have been infallibly

fallibly ruined by a single article of this fallacious and baneful negociation, for I will venture to quote the late martyr, the North Briton, No. 45. Afterwards you voted for the entire approbation of the Peace of Paris. Lord Bute in the House of Lords gloried in that public felony against the people as his act, and indeed nihil sibi ex ista laude centurio, nihil præfetus, nihil cibors, nihil turma decerpit. When that scene of iniquity was fully compleated, and Lord Bute affected to retire, you quitted your sea-station, and succeeded him in the Treasury, as you did before in the Office of Secretary of State for the Northern Department. You then held the public purse, Philip Carteret Webb was your Solicitor and chief agent, and Carrington continued King's Messenger and pay-master of the Crown evidence. You talked us to death about œconomy. You really practised it in private, while you astonished us with the profuseness of the public expence, and displayed a persecuting spirit and rage against all the friends of liberty beyond the virulence of the envenomed Scot himself.

There is, Sir, in almost every part of your *Speech* a rancour and malevolence against Mr. Wilkes, which has betrayed you into a variety
of

of gross mistakes, and palpable falsehoods. Did you mean to gratify a private and personal resentment for the abuse Mr. Wilkes has so liberally (as you assert) thrown upon you? page 6. If you did, you have accomplished it at the expence of honour, truth, and your own reputation. The world shall judge. You say in page 10, that he (Mr. Wilkes) was tried and CONVICTED for being the AUTHOR and publisher of the three obscene and impious libels, &c. You repeat the accusation, page 19, with regard to the three obscene and impious libels, which were WRITTEN by him. I have examined your charge with an office-copy of the second sentence passed on Mr. Wilkes, and I find it absolutely groundless. There is not a syllable of author or authorship in any part of it. The words are, *being convicted of certain trespasses, contempts, and grand misdemeanors, in PRINTING AND PUBLISHING an obscene and impious libel, intitled An Essay on Woman, and other impious libels in the information in that behalf specified, whereof he is impeached, &c.* I may now appeal to the impartial public, if truth is not here shamefully violated by you. Is this that justice which is due to every man, and which we ought to be more particularly careful to preserve, in an instance where passion and prejudice may both concur

in the violation of it? page 11. I am afraid we not only see *passion* and *prejudice*, but the baseness and malignity of a heart, not an atom of which remains uncankered—But perhaps since I have searched, the *Record*, being in the King's Bench, has been *altered*. In that case, and in that only, I am ready to ask your pardon.

The same *false* representation is extended to the *North Briton*, No. 45. You say, *the next article is that of the seditious libel, the North Briton, for which the AUTHOR and publisher was deservedly prosecuted, tried and convicted, five years ago*, page 20, and when he (Mr. Wilkes) *wrote that seditious libel against the King, and both Houses of Parliament*, page 9. Now, Sir, I again appeal to the same irrefragable proof, the *Record of the Court*. That *Record only states, being convicted of certain trespasses, contempts, and grand misdemeanors in PRINTING and PUBLISHING a seditious and scandalous libel, entitled, The North Briton, No. 45, whereof he is impeached*. In both cases therefore the accusation, trial and conviction as to the *authorship* are entirely fabricated, or rather forged, by Mr. George Grenville.

There

There remained, Sir, but one other thing, on which you could try your hand, and it has not escaped you. I mean the *Petition* of Mr. Wilkes the last winter to the House of Commons. Your words are, *it was but a few days ago that I spoke and voted to restrain Mr. Wilkes from entering into the greater part of his PETITION, because the subject matter of his complaint had been FULLY heard, and the parties to it duly acquitted by the last House of Commons*, page 21. A more direct falsehood I believe never came from the press, or even disgraced St. Stephen's Chapel. I desire to know if the late House of Commons, did *fully* hear the complaint of the *Evasion of the Habeas Corpus*, or the *CLOSE commitment of their member for three days without pen, ink, or paper, or the permission of seeing any person but his gaolers, although charged only with a misdemeanor*, or the *breach of privilege by serving a member of parliament with a SUBPOENA*. Was either of these questions once agitated in the last House of Commons? The Minority ought to take shame to themselves that questions of such magnitude never were even mentioned in the House, except once by Mr. Wilkes himself, on the first day of the session, and the only day his ill health permitted him to attend. Many other complaints in his *P-*

tilion have occurred since, and therefore could not be stated before; such as, that *counter-notices*, signed *summoning officer*, were sent to several of his *jury* only the day before the trials, and that the *papers seized under the General Warrant* were produced as *evidence on his trials*. Was either of these circumstances even stated to the late House of Commons, so far from being *fully heard*, and yet they make a part of this very *Petition*? You add that *the parties were DULY ACQUITTED by the last House of Commons*. This too is a perversion. The *Journals* only say, that *the complaint* (of the imprisonment of Mr. Wilkes's person, the plundering of his house, the seizing of his papers, &c.) *against those worthy Gentlemen, Philip Carteret Webb, Robert Wood, John Money, Robert Blackmore, and James Watson, be discharged*. *Journals*, vol. 29. page 843. An honest English Jury however nobly vindicated the rights of the people. They had at heart the liberty of the subject, and despised the example of meanness and treachery given them by the Majority in a place,

Where crowns of freedom, by the fathers won,
Drop leaf by leaf from each degen'rate son.

The

The same Mr. Wood was not duly acquitted by a jury of his peers. He was found guilty, fined one thousand pounds sterling and the costs of suit.

You observe, I cannot agree with those, who think that the papers relative to it (the Essay on Woman) were obtained by those, who prosecuted him in any undue or improper manner. The contrary has appeared by Mr. Wilkes's own evidence a few days ago. That prosecution was begun in another place, and I HAD NOTHING TO DO WITH IT; but in justice to those who were concerned, I must say, that there was not the least foundation for all that calumny that has been propagated with regard to the manner of obtaining them; for the truth of which I appeal to the examination, which the House has so lately made on Mr. Wilkes's Petition upon that subject, page 23. As you have appealed to that examination, and declare there was not the least foundation for that calumny, I shall transcribe the evidence of Mr. Wilkes's servant, Michael Curry, at the bar of the House of Commons, on the last of January 1769, altho' what he said there is a good deal softened from what he swore at the Mansion-House on the third of August preceding, before he had been softened himself.

Curry declares at the bar, " that he had express
" orders to print only twelve copies, to deliver
" them to Mr. Wilkes himself, and not to shew any
" part of them to any person whatever; that however
" he shewed them to *Haffall*, Haffall to Faden,
" Faden to Kidgell, Kidgell to Lord March, &c.
" that one Farmer offered him money, that *Faden*
" *desired a copy, said he would make it worth his*
" *while, that Faden strongly repeated, it was to*
" *serve some people, who would make it worth his*
" *while, that he had many such offers after, that*
" *there was a clamour that he should be prosecuted*
" *for felony, (in robbing Mr. Wilkes of that copy;)*
" that he applied to see Mr. Wilkes, but was re-
" fused; that he, Webb, Kidgell, Faden, Farmer,
" and others met at the Horn Tavern, and other
" places; that the report gaining ground that he
" should be prosecuted for *felony*, he went to Faden,
" and surrendered it (*the stolen copy*) to him, that
" he went the same evening with Faden to Webb,
" that Webb bid him not be afraid, that he (Webb)
" would take care of him, that *he lived in Webb's*
" *house a week together, that he was confined there, that*
" *they would not let him go out, that Webb sent*
" *him to Carrington, who regularly every week*
" *supplied him with money, that Webb said he might*
" *depend*

" depend on being taken care of, *that Government*
" would take care of him for surrendering the copy,
" and giving the evidence against Mr. Wilkes, that
" Carrington declared he was accountable to go-
" vernment for the money he paid him, that he
" saw Lord Sandwich, who told him that he might
" depend on any thing in his power." Webb's
original letters to Hassall were likewise produced
at the bar, and proved to be his hand writing.
In one of them Webb tells Hassall to desire Curry
to put down in writing what passed—that they might
all concur in one story. These are the very words of
the Minutes. Can a stronger offer be made to a
servant to rob his master? Does not this give the
least foundation for the public opinion? It appears
Curry did rob his master of the *Essay on Woman*,
that he sold it to Faden, from whom the Solicitor
of the Treasury, *Webb*, with whom Faden was in
constant correspondence, obtained it; Lord Sand-
wich had it from the Solicitor, and then it came
into the House of Lords, and the King's Bench,
undoubtedly to the more real concern of Mr.
Wilkes, than of any man in the kingdom.

During all these proceedings you continued
at the head of the Treasury, *Webb* was your
solicitor

solicitor, and Carrington the confidential messenger and pay-master. He declared at the Bar, that *the money Curry received came from the King's Treasury Chamber*, and that *Webb gave him an authority under his own hand* for the several sums paid to Curry. Carrington's evidence proves that the money Curry received was *public money*, for which the first Commissioner of the Treasury is accountable. I therefore neither wonder at your negative to Mr. Wilkes's being suffered to go into the greater part of his *Petition*, which respected *General Warrants*, the *Seizure of Papers*, the *Evasion of the Habeas Corpus*, and other enormities of your Ministry, nor at your joining even with the present *Administration* in the denying him "all such accounts as have been passed, declared, or received from Philip Carteret Webb, Esq; late solicitor of his Majesty's Treasury, since Midsummer 1762, from the Auditors of the Imprest, or their deputies." Innocence and honour would have whispered you to second the motion of Sir Joseph Mawbey, and even to supplicate the House, that *all those accounts* might be laid before Parliament, but conscious guilt, alarmed at the consequences of it, made you tremble and oppose. So much for the conspiracy of Messieurs Grenville, Webb, Carrington

rington, Kidgell, Curry, Hassall, Jennings, Farmer and Faden. *Unspotted names and memorable long!*

You are pleased to assert, *that Mr. Wilkes was tried and convicted by a FAVOURABLE jury*, page 10. A favourable jury, which asked no one question, and only pronounced the single word *guilty*, is absolute nonsense. It is only to be paralleled by Lord Mansfield's declaration on the reversal of Mr. Wilkes's out-lawry, that *he had the strongest inclination in FAVOUR of the defendant*. You ought to have said that he was tried by an *illegal* jury, for notices declaring that the trials were put off, signed *Summoning-Officer*, were sent to several of the *legal* summoned jury only the day before the trials, so that no fair jury of his countrymen have pronounced any judgment on him. You knew this circumstance, and therefore were greatly criminal in denying Mr. Wilkes the justice of going into this part of his *Petition*. Was the jury which found Mr. Wilkes guilty of *publishing an unpublished poem*, a *favourable*, or even a *conscientious*, jury?

You declare that it was *for a libel certainly not less seditious or criminal than Dr. Shebbeare's*, page 10. What you think *sedition* or *criminal*, you only can

can determine. As to the *Sixth Letter to the People of England*, it was charged in the information to be *false*, as well as wicked, &c. and was proved so to the satisfaction of all mankind. Was the word *false* in the information against the *North Briton*, No. 45? The charge of *falshood* was not made against any part of that paper. If it had, and Mr. Wilkes continued in a state of health to have directed his own defence, he would have *bpænaed* you to prove various articles in it, particularly that important passage, *the large debt on the Civil List, already above half a year in arrear, shews pretty clearly the transactions of the winter.* Did you learn those *manœuvres* from the great father of corruption, Sir Robert Walpole, of whom you speak with such reverence? You, Sir, were in the House of Commons on the first day of the Session in 1763. Mr. Wilkes there maintained that every line of the *North Briton*, No. 45, was founded on truth. He challenged Lord North and all the Ministry to point out a single falsehood. Did his Lordship attempt it? Did you offer a word in answer to so direct and bold a challenge? You did not: you could not. What did the House do? The very Majority accused of that corruption expelled the uncorrupt Senator, whom they

they thought to be the accuser, and in that manner only justified themselves, avenged *the indignity offered to them by one of their own members*, page 20, and punished *the particular offence committed against them*, page 21. I will venture to ask even you, Sir, who have not entirely forgot, tho' you wish we should, all your former pleadings at the Old Bailey, whether indeed a short paper, which did not contain one line untrue, is equally *criminal* with a volume, which scarcely contained a single truth, which traduced the *Revolution*, aspersed the memory of King William III., grossly vilified King George I. and II., and *bastardised the whole royal family*. Is the *North Briton*, No. 45, with the long list of hard ill-sounding adjectives, *malicious, seditious, scandalous, &c.* equally *criminal* with such a paper? Lord Mansfield declared in Westminster Hall, that *Dr. Shebbeare by that LETTER approached the nearest to High Treason without actually committing it, of any paper he ever read*. The trial was in 1758, yet so short a time afterwards as during your Administration in 1763 this man was pensioned, and still continues in the pay of government. I shall only mention one other particular on this subject to shew how disingenuous you are in every the minutest circumstance. When you state how

much more severely Dr. Shebbeare was treated than Mr. Wilkes, you mention that the Doctor was fined, pilloried, and imprisoned, but you carefully conceal from us, that his fine was but 5l. Mr. Wilkes was fined 500l. only for the *North Briton*, No. 45.

I agree entirely with you, Sir, that the *motion for expelling Mr. Wilkes was not unexpected*, page 5. It had been long foreseen, and was very generally known after the first week of the last session. When Mr. Fitzherbert's visit to the King's Bench proved ineffectual, and Mr. Wilkes's *Petition* to the House of Commons was presented on the following day, it was understood that he was marked out as an immediate sacrifice, that the minister's power was held, even for the winter, by the tenure of carrying two points, which the Court had at heart, *the expulsion of Mr. Wilkes*, and the paying the enormous debts of the Civil List. The last was not half so earnestly urged as the former, for much additional ill humour and anger against that gentleman had been conceived from his rejecting every intrigue and negociation, male and female; for his pardon, and repeatedly declaring to a great man's agent, when he was desired to name his own conditions,

ditions, that he never would accept a pardon, unless it came *entirely unclogged, and unconditional*, and that he would owe it only to his Sovereign's grace and favour. Such an unconquerable spirit of freedom even in prison, and the just defence of his own innocence, were not, and never will be forgiven. They will create him difficulties and distresses from the same quarter, with which he will struggle as long as he lives.

You declare that *had Mr. Wilkes ventured to return home, whilst you had the honour to be entrusted with the executive powers of the state, he should not have remained out of custody four and twenty hours, without submitting himself to the justice or the mercy of the King, whom he had so grievously offended*, page 49. Such is the wretched cant of ministers, whenever they are attacked themselves, but the imposture is too stale to pass. It is impossible to suppose the King was *grievously offended*, because the Ministers were treated according to their exceeding demerits, when at the same time the utmost reverence was shewn to his sacred character. In that very paper he is said to be *a prince of so many great and amiable qualities, whom England truly reveres*, and it is added, *the personal*

character of our present amiable Sovereign makes us easy and happy that so great a power is lodged in such hands. Might not therefore the North Briton, No. 45, after such justice done to the character of the Sovereign, safely say of Ministers, *The Scot~~ish~~ Minister has indeed retired. Is his influence at an end? or does HE still govern by the THREE wretched tools of his power, who to their indelible infamy have supported the most odious of his measures, the late ignominious Peace, and the wicked extension of the arbitrary mode of Excise?* but the Ministers, and Mr. Grenville in particular, one of the three, were indeed justly as well as grievously offended, and therefore he again in his SPEECH very indecently introduces the sacred person of the king to avenge his own private, and personal quarrel. Neither the justice nor the mercy of the King were in any part of the business once compromised. The very cause of all this dire discord was merely

Junonis gravis ira, et inexsaturabile pectus,
Quam nec longa dies, pietas nec mitigat ulla.

But let me ask, did you not, Sir, advise and support Lord Bute's two favourite measures, the *Peace*, and the *Excise*, and did not the most grievous and oppressive part of that duty on Cyder and Perry
continue

continue till the too short-lived administration of the virtuous Lord Rockingham. The subject was then indeed at length relieved, but the *Petitions* of the City of London to the King, and to the other branches of the legislature, were presented during Lord Bute's Ministry, in which whole period, and the subsequent triumvirate, the oppression continued. This could not have happened but from the wicked artifice of Lord Bute to insinuate at first to his Master the necessity, and of you afterwards to persuade the continuance of that *Excise*, by which *the private houses of every peer, gentleman, freeholder, and farmer, were made liable to be entered and searched at pleasure by an insolent exciseman*. I shall state the conduct of Henry IV. of France on a similar occasion. The example will carry the greatest weight, for it is given us by confessedly the most brave, humane, magnanimous, and gallant gentleman of all modern princes, whose godlike deeds and sad fate still draw tears of gratitude and pity from every lover of his country in France. It will shew how happy a Prince is with a wise and honest Minister, like *Sully*, and how much to be lamented when in the power of one, who *wants wisdom*, like Lord Bute, or *affection for the people*, like Mr. Grenville. That King

King had been persuaded to lay an additional duty on wine, to be levied much in the way of your late *Excise*. The people in general murmured exceedingly, and the Parliament of Paris refused to register the new edict. The King was at Fontainebleau. It became necessary to hold a *lit de justice*, that the Sovereign in person might cause the edict to be registered in his Court of Parliament, as it is always called in France. He therefore came to Paris, but was received by the people, whom he tenderly loved, in so cold a manner and with so profound a silence, contrary to what he had ever known, that he could not avoid exclaiming to Sully, *Mon ami, pourquoi est-ce qu'on ne crie, Vive le Roy?* Sully honestly explained to his Majesty the nature of the projected new tax, and the general discontent of the people, upon which the king only said, *Mon ami, retourrons-nous*, and immediately went back to Fontainebleau. The edict was never registered, nor the tax collected. The foolish pageantry of the *lit de justice* was succeeded by a most affecting scene, by the loudest acclamations, by the tears and blessings of the whole grateful capital. Such was the conduct of the great Henry IV.; and similar would undoubtedly have been that of George III.

on

on occasion of the City's *Petition* to him against the *Excise*, if the Favourite, or his Minister, had really resembled *Sully*, or even the portrait of him drawn for Mr. Grenville by the author of *The Present State of the Nation*, or for Lord Bute by the Chevalier D'Eon, in the *Considerations Historiques et Politiques sur les Impots*.

You endeavour as much as you can to take off the odium of *General Warrants*, by observing that they have had *an hundred years practise, under the eye of the greatest lawyers, before the supreme courts of justice, without being ever questioned in one single instance*, page 9. You did not advert, that you were paying Mr. Wilkes the highest compliment, as the first person, who dared to oppose the long-usurped powers of government, and to withstand the *greatest lawyers* as well as most arbitrary Ministers, who had braved all their menaces, and laughed to scorn their threats of vengeance, in order to redeem his countrymen from oppression and slavery, to restore the true principles of *law* itself, and to enforce the most important article in **MAGNA CHARTA**. *Nullus liber homo capiatur, vel imprisonetur, aut disseisiatur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exulet,*

aut

aut aliquo modo destruatur ; nec super eum ibimus,
 nec super eum mittemus, nisi per legale judicium parium
 suorum, vel per legem terræ, ch. xxix. The present
 Lord Chancellor declared from the Bench, " that
 " a *General Warrant* is unconstitutional, illegal,
 " and absolutely void, and that he should always
 " consider it as a rod of iron for the chastisement
 " of the people of Great Britain," and his Lord-
 ship judicially condemned the *Seizure of Papers*,
 but you, Sir, long prevented any Parliamentary
 censure in either case, although you knew that
 such was the usage of our ancestors in all points
 of that magnitude, when the public liberty was
 concerned ; and till Lord Rockingham's time we
 do not find the least mark of the disapprobation of
General Warrants, or the *Seizure, of Papers* in the
 House of Commons. You went farther, as if
 you were determined not only at present to justify,
 but to encourage such atrocious practices in fu-
 ture times. While you ~~were~~^{one} First Commissioner,
 you obtained an order, which is entered in the
 books of the Treasury, that all expences incurred,
 or to be incurred, on account of the *North Briton*,
 No. 45, or the *Essay on Woman*, should be paid
 by the Treasury, so that it is probable the sur-
 viving Secretary, Lord Halifax, for having dared
 to

to issue the *General Warrant*, will at last by your abuse of the power of office only suffer public ignominy.

All the circumstances peculiar to the apprehension of Mr. Wilkes under the *General Warrant* you entirely omit in your *Speech*. Was it forgetfulness that you did not mention that the *General Warrant*, under which Dr. Shebbeare was apprehended, issued during the late war with *France*, and the other by which Mr. Wilkes, and forty-eight other persons, were seized, in the time of profound peace? In your comparison of Mr. Wilkes's case with that of the Doctor, you forgot to tell us, that in the critical moment of a war with our most inveterate and insidious enemy, the *Sixth Letter to the People of England* was calculated to inflame the nation by a daring assertion even in the title page, " that the " present grandeur of *France*, and the calamities of " this nation, are owing to the influence of Hanover " on the Councils of *England*," and that the *North Briton*, No. 45, only told the people that Lord Bute, Mr. Grenville, and the other Ministers had betrayed the interests of the nation at the *Peace*, had put a badge of slavery on us by a new and odious *Excise*, and were every hour abusing the misplaced confidence of the most amiable

E

Monarch

Monarch in the world? You likewise purposely omit the civil treatment Dr. Shebbeare experienced in the late reign, and all the circumstances of wantonness, oppression, and cruelty exercised against Mr. Wilkes. You did not chuse to contrast the Doctor's case with what a Member of Parliament experienced in the present reign, and with the orders given by your brutal brother-in-law and colleague, the late Earl of Egremont, *to drag him out of his bed at midnight*. Was Dr. Shebbeare kept for three days a *close* prisoner, without pen, ink, or paper, or friend, or relation permitted to come near him? Was he not very early after his apprehension carried before Lord Mansfield, and admitted to bail, without the least difficulty, or any enquiry into the plain defectiveness of that *General Warrant*? But Dr. Shebbeare had only injured the King and the nation: Mr. Wilkes was supposed to have attacked the Ministers, and known to hate the *Favourite*. I believe Dr. Shebbeare is the *only* person, who has been apprehended by a *General Warrant*, since Mr. Wilkes became a public man. He had no acquaintance of any kind with the Doctor, nor was he then better informed than the rest of the public what kind of Warrant had issued on that occasion.

The

The affair of Mr. Arthur Beardmore has been misrepresented. The Warrant against him for several numbers of the *Monitor* was made *special*, but directed the seizing of his *books and papers*. Mr. Wilkes knew Mr. Beardmore personally, went to visit him at the *Messenger's* house, and endeavoured to persuade him to bring an action of false imprisonment and damages for himself, his clerk, books, papers, &c. against Lord Halifax. This Mr. Beardmore absolutely refused at that time. The transaction was in November 1762. As soon as Mr. Wilkes was released from the Tower in May 1763, he began the legal process against the two Secretaries, the Under-Secretary Mr. Wood, &c. After the opinions of the Courts of Law were known, and Mr. Wood found guilty, Mr. Beardmore commenced his actions, and succeeded without any difficulty on the ground already made. It appears therefore to be the cause of liberty, which Mr. Wilkes had at heart, and that he did not act from the least personal resentment. I think it more than probable that without his cool perseverance and firmness neither *General Warrants* nor the *Seizure of Papers* had been judicially condemned to this hour. I shall

only further add on this head that when all his papers were seized, not a line marked the least trace of any correspondence with the enemies of England, or of liberty. He came pure from that illegal test, and almost unhurt from that robbery *by authority*. He has no relations at Rome in the service of the Pretender, nor other dangerous correspondents at Paris or Madrid. There is perhaps an excuse for the levities of those papers from the contagion of great examples at that time and age, and their never being seen before but by a few friends, men of enlarged and liberal minds: but what apology is sufficient for the first Commissioner of the Treasury suffering his solicitor and agent *Webb* to retail such private papers to declared enemies, for his permitting the publication of family anecdotes, and the general circulation of many things at all times improper for the world, at that time highly injurious to the gentleman, on whom the robbery was committed?

You are pleased, Sir, to declare that *you cannot give your assent to the proposition, which has been made to you (for expelling Mr. Wilkes) because if you did, you should thereby commit a capital injustice* —

and

and that it is not conformable to the usage and law of Parliament—or to the unalterable principles of natural equity—but a new and dangerous mode of proceeding, unsupported by any precedent or example in the records of Parliament, pages 11 and 12. I am glad to find you at length return to the law and usage of Parliament, and I desire you to explain your conduct with respect to this gentleman on the most important case in this age, relative to the very existence of the Lower House. The world, Sir, condemns you for having in your Ministry betrayed the rights of the Commons to the Sovereign in a great dispute between the crown and the people. I need not, Sir, tell you that by the law of Parliament a matter of Privilege takes place of every thing. Mr. Wilkes had determined to complain to the House of Commons on the first day of the session in 1763, that almost every privilege of Parliament had been violated in his person, that he had suffered an unjust and rigorous imprisonment, a seizure of his papers, &c, &c. He had before the meeting of Parliament waited on Sir John Cull, as Speaker, and acquainted him that a complaint of various breaches of privilege would be made as soon as he took the chair. He came down early to the

the House, and secured a place very near the Speaker. The instant, in which Sir John Cust stepped into the chair, Mr. Wilkes rose and began his complaint of violated privilege. There was not a doubt that Mr. Wilkes first rose from his seat, and even on that account he ought first to have been heard, but the partial Speaker over-ruled him, and pointed to Mr. George Grenville, who as Chancellor of the Exchequer said, that he had a message from the King. You, Sir, on your part insisted on your message being first delivered and proceeded upon before a matter of violated privilege. In this you knowingly gave a most dangerous wound to the liberties of the people, for no man is better acquainted than you, that the existence of the freedom of a House of Commons, and consequently of their constituents, depends on privilege. It was evident that the whole of Mr. Wilkes's business would turn on his complaint of breach of privilege being heard before the royal message. It is known that this finesse on your part was concerted with Sir John Cust before the complaisant Speaker took the chair. " Now nothing " in the world could have given a stronger proof " of the exercise of this right (of privilege), " than

“ than the giving a preference to the com-
“ plaint of their own member to a message from
“ the Crown ; whereas, nothing could seemingly
“ invalidate this right more than the proceeding
“ upon the royal matter before that of their mem-
“ ber, and especially, if there should be not only a
“ doubt, but *a certainty, that his was first moved.*
“ Upon the principle that privilege is to take place
“ of every thing else, nothing is of so much con-
“ sequence to the community, as the relief of its
“ representatives, from an unjust violence ; they
“ cannot do their duty as a Parliament without it ;
“ for the Parliament cannot be free, every county,
“ city, and borough cannot have it’s deputy with-
“ out it.—Too much respect cannot be shewn to
“ the Crown by any man, as an individual ; but it
“ ill suits with the duty of representatives of the
“ people to be swayed, by any motives of personal
“ respect, to part with a jot of their own indepen-
“ dency and dignity in their parliamentary capa-
“ city—A Letter concerning Libels, Warrants,
&c. Sixth Edition, page 97. I will venture to de-
clare that your conduct on this occasion was not
only a breach of your trust, as a representative of
the people, but is *unsupported by any precedent or*
example

example in the records of Parliament, page 12. I may safely challenge the gentlemen, the most knowing in the Journals of this House, to produce a single precedent of a similar nature, page 13. I cannot help asking you in your own words, shall you then, who are the immediate delegated guardian of that liberty and constitution, shall you SET THE WICKED EXAMPLE, and attempt to violate them to gratify your passions or your prejudices? page 38. Former times have not produced a man of such daring and complicated guilt, as to give up in a House of Commons the rights he was sent there to support, to plead for an infamous Peace and an oppressive Excise, to advise a General Warrant and a Seizure of Papers, and at last to cross the Atlantick, by a few capital, arbitrary strokes to destroy the constitutional rights and commerce of his fellow subjects in America, yet most preposterously talking of the disobedience of the colonies, page 40.

You venture to assert "that the paper relative to Lord Weymouth's letter was complained of in the House of Lords as a gross and impudent libel, WHICH IT CERTAINLY IS, against a Peer of the Realm, and one of his Majesty's principal Secretaries of State, page 18.

Your

Your idea of a libel we may guess from your early studies at the Bar, from your former pleadings at the Old Bailey, from the malignity of your natural temper, but above all from your many years intimacy with Lord Mansfield. I do not mean to go into the large field of the nature of a libel, at a time, *when truth stands trembling on the edge of law*. I only maintain that falsehood is of it's very essence and first concoction. It is therefore incumbent on you to shew that truth is violated in the paper you call a *gross and impudent libel*, for a *true libel* has the sound of a strange absurdity to the ear of every man, who is not a modern lawyer or courtier. I affirm with Mr. Wilkes, that there is not the least mixture of falsehood, or even a dash of error, in that paper, and that the business of St. George's Fields on the 10th of May 1768 was a premeditated, inhuman, and cowardly massacre of fourteen innocent persons, for which the people, after having made various fruitless applications for justice on earth, cry aloud to Heaven for vengeance. As to it's being *a libel against a Peer of the Realm, and one of his Majesty's principal Secretaries of State*, there is no privilege in a court of honour or conscience below, nor of justice above, for such

foul deeds in any man. The higher the station of the criminal, the greater is the offence, and the more exemplary ought to be the punishment. The same observation extends to the Irish Lord, who afterwards in cold blood could approve and applaud the massacre, and, prostituting the authority of office and the name of his Sovereign, write a letter of thanks to merciless ruffians in the stile Prince Ferdinand of Brunswick did to the most brave and generous troops in the world after the glorious day of Minden. Is a libel greater against Lord Barrington, because he is *Secretary at War, and one of his Majesty's most honourable Privy Council*, when there is not the least misrepresentation of what he has done? or is this very letter to you, which is undoubtedly a libel as much as the *North Briton*, No. 45, is this letter a libel more criminal, because you too still continue of *his Majesty's most honourable Privy Council*, when you are conscious every word bears the stamp of truth? The only remark, which the impartial public will make on such an occasion, is very natural. It is to lament that the Privy Council, and the great offices of state, are now filled by such men.

You

You justly observe that the Administration have found out an *easy and summary method for the punishment of those, who shall libel ministers of state*— and you say of the House of Commons, *We have enough to do, too much I fear, to maintain our own authority and dignity unimpeached*, page 20. I join entirely with you in your fears, but not at all in your hopes. The *authority and dignity* of no assembly or body of men can be preserved, who have committed a *capital injustice*; as you declare in your *Speech*, page 11, and afterwards you assert, they have gone contrary to *the law of the land, the law and usage of Parliament, the spirit of our constitution, and the general principles of natural justice*, page 39. Such men surely deserve neither a natural, nor a political, existence. They must necessarily and immediately fall into *the lowest state of humiliation and contempt*, page 53. The *dishonour and odium* of it (the expulsion of Mr. Wilkes) will cleave to *that assembly, which ought to be the constant object of public reverence and affection*, page 53. Since the day, when they committed this *capital injustice, which affected not only the rights of their own Member, but the franchises of those who sent him thither as their representative*, page 13,

they have advanced with Tarquin's ravishing strides to our ruin. They have arrogated to themselves the right of chusing a Member for the first County in England, against the consent of the majority of the Freeholders. Mr. Wilkes foresaw and foretold the progress of their usurped power. The day after the vote, which you truly call a *capital injustice*, he told his Constituents in print, " If Ministers can once usurp the power " of declaring who *shall not* be your representative, " the next step is very easy, and will follow speedily. " It is that of telling you, whom you *shall* send to " Parliament, and then the boasted Constitution of " England will be entirely torn up by the roots." Alas! Sir, his words were too prophetic. *The Constitution of England is torn up by the roots.* The nation returns the echo from every part of the island. The people have carried this truth to the foot of the throne, and earnestly solicited the dissolution of the present Parliament, in order to restore the Constitution, and with it a general confidence in the Legislature. All other remedies they have declared must be fruitless and ineffectual. This likewise, Sir, has been your doctrine for many months, but have your actions corresponded

responded with the pompous professions of zeal and public spirit you made to almost every man you saw thro' the whole summer and autumn? Let me ask, where was Mr. George Grenville at the respectable meeting held *for this purpose* at Aylesbury? It was your duty on so important an occasion, possessing a very considerable property in the county, to attend, and to support what you thought not only right, but of absolute necessity. Your brother, Mr. Henry Grenville, who has not an acre of land in Buckinghamshire, attended, and the meeting had the sanction of Lord Temple's presence. As to the weak and flimsy excuse of your being a *Privy Counsellor*, you ought to have joined at Aylesbury in the Petition to the King first, as having great landed property in Buckinghamshire, and afterwards, if you were called upon at St. James's to have advised your Sovereign, being sworn of his *Privy-Council*, a consistency of conduct, if you valued that praise, would have induced you to submit your opinion to his Majesty of the propriety and fitness of yielding to the general wishes of a loyal and affectionate people. Lord Verney, a *Privy Counsellor*, acted in this sensible and spirited manner

in your very county, and I am satisfied would be equally faithful to the true interest of the King and the nation even in the Council Chamber, but I fear you meditate a *second* desertion of your best friends, and, notwithstanding all outward appearances, are bargaining again secretly with the worst enemies of your country at home, who still enjoy the full confidence of their master.

You assert that *the respect and reverence due to the Parliament, and the confidence reposed in this House (of Commons) are visibly diminished*, page 40. and in another part you observe that *the House of Commons have enough to do, too much you fear, to maintain their own authority and dignity unimpeached*, page 20. I fear indeed they have more to do than they will be persuaded to do, but I am sure not more than they may, if they will, very easily and expeditiously accomplish. The way to *maintain their authority and dignity unimpeached* is a very plain path. It is to follow the general voice of their constituents, of the people at large. The nation wishes an effectual place and pension bill, which would only leave in either House of Parliament the *few necessary servants of the Crown in the revenue, in the public offices, in the*

the army and navy, bills to restore triennial parliaments, to destroy the mode of proceeding by *information*, to establish a fair and equal representation of the people in the Lower House, to give to the public the revenue of all sine-cures, or to sink the places themselves, &c, but above all at this critical period to establish *a Commission for taking and stating the public accounts*, not to be appointed by the House of Commons only, and consequently to end with the session, but to be erected by *Act of Parliament*, to be composed of the most able and honest men in the nation, as well as in the two Houses, with full powers, and to continue sitting till the great work was finished. When such an *Act* passes, we shall find the *public defaulter of unaccounted millions* no longer able to trifle with and insult an injured nation. No more *Privy Seals* will then stop the course of public justice. We may likewise hope soon to see the settling of the accounts for your *two Treasury-ships of the Navy*. These things would soon restore both the public confidence, and the public credit. With such aids the hands of government would be strengthened, and the Exchequer, instead of being drained and impoverished, as of late in the most shameful manner, be recruited and replenished. It was surely not only ridiculous, but highly oppressive,

that

that a nation so exhausted as this should, after paying you nobly for a number of years successively at the Boards of Trade, Admiralty, Treasury and Navy, be obliged to give some thousands a year to your *little Georgy boy*, as Teller of the Exchequer, even before he could tell the number of his fingers. What an age and country do we live in, when *you* could make your boast of what a noble provision you had got from the public for your *little Georgy boy*, after creating a ministerial fortune for yourself, and such a man as *Lord Holland* could obtain reversions for his family to the third generation, when he had raised, by having the nation's money in his hands, a fortune superior to that of many sovereign Princes?

I agree with you, Sir, that *Mr. Wilkes* is now become an object of popular favour, nor is that popular favour confined to this capital, or to it's neighbourhood alone, but is extended to the most distant parts of the kingdom, page 40, but I totally differ with you in what you assert that he is indeed unhappy, because he is guilty, page 8, or that he has not been the most oppressed and injured man this age has seen, page 9. I know his innocence, his perfect love of liberty, and

and his generous, disinterested plans for the public. I believe him, although in prison, not *unhappy*, for he looks forwards, and

Dares proudly boast, he feels no wish above
The good of England, and *his country's love.*

Even you allow that he actually possesses that favourite wish of the excellent patriot and poet *Churchill*, the noblest reward virtue can receive, *the love of his native England*. I hope too that enjoyment will follow him to the grave, as it did his incomparable friend ; and I believe it, for the steadiness of his conduct thro' life will I am persuaded ensure to his last moments, and to his memory, the same glorious applause he now receives from a free and sensible people. He cannot but be *happy* even in the King's Bench, for he has received there the most endearing marks of esteem and gratitude from his own county of Middlesex, and from the whole nation. While alive, those honours have been lavished on his name, which Envy rarely suffers to be paid but by posterity, and only to the lovers of their country, and the guardians of public liberty. I do not wonder that he is a favourite with his country. He loves his country with

the enthusiasm and disinterestedness of a Roman, beyond private friendship, personal regard, or family attachment. He has stood forth with his person, pen, and purse in support of our most valuable rights. He has never weighed danger in the nice, golden scales of Lord George Sackville. He has borne the most cruel persecutions with dignity and fortitude. He has sacrificed every consideration of fortune and private interest to his master passion, the love of England. It has been *his glory* to stem the torrent of arbitrary proceedings, and to oppose all illegal precedents of power among us. Born with the spirit, but not to the fortune of Hampden, he has suffered more, and gone greater lengths to the distress of his own private affairs in the service of the public than any man in this country. You say that *he has not been the most oppressed and injured man this age has seen.* Will you then tell us of another, a friend of liberty, and of the Brunswick line, whose ruin has been planned and resolved by all the three great powers of the state, calling to their aid the first criminal law-court of the kingdom, each acting in their separate capacity with the utmost degree of violence and rancour? Will you mention another, who has been

been *thrice* punished for the same pretended offence, and that only a *libel*, first in the House of Commons, then in the King's Bench, and a third time in a new House of Commons? Will you tell us of somebody, whose house has been robbed by their own servants at the instigation of the agents of the Treasury, and a parcel of idle verses, feloniously taken from him, made a state crime to keep him a year in prison, and to punish him by a heavy fine? Have even the solicitors and agents of the Treasury employed the very worst means to arrive at the worst ends imaginable against any other man? Will you give us another instance of such a close and rigorous confinement in the Tower, such a general plunder of all private papers, such tricks about *records* and *jurymen*, such a proscription at home, tedious exile abroad, *unjust* out-lawry, repeated expulsions, fine and imprisonment? In short will you tell us of any man, who has suffered all this only for attacking such a favourite as Lord Bute, and such a Minister as Mr. Grenville? To compleat your embarrassment, will you please to find ~~us~~ any where a being as guilty and vindictive as the first, or as mean and despotic as the last?

You tell us that the Officers of the Crown—had at last recourse to the shameful expedient of stipulating with Mr. Wilkes himself, the terms upon which he would consent to be taken into custody. To follow that precedent you (the House) ought now at least to ask him, upon what terms he will consent to be EXPELLED. Perhaps, if properly applied to, he may condescend to this request as graciously as he did to the former, and as voluntarily as he surrendered himself a prisoner, when he was taken with impunity out of the bands of the officers of justice—pages 50, 51. Such a language of insult has seldom been held to a House of Commons, even in the most turbulent times. But the fact is falsified by you to serve your inference from it. There was no stipulation whatever between the Officers of the Crown and Mr. Wilkes. He gave two days' notice to the Sheriff's Officer to come to his apartments at a fixed hour in the morning with the writ of *capias utlagatum*, and declared that he would attend the Officer, as his prisoner, into the Court of King's Bench. While he was waiting in the Chancellor's room adjoining to the Court, the Attorney General came out and asked him, *if he was really in custody*. Mr. Wilkes answering that he was the Officer's Prisoner, the

Attorney

Attorney General delivered his *Fiat* for the *Writs of error* into Mr. Wilkes's own hands. This is the exact state of the fact. Mr. Wilkes entered into no stipulation of any kind with the Officers of the Crown. As to his *expulsion* on the third of last February, I think it greatly to his honour, that he has not from the first, on that or on any occasion, solicited the vote or support of any Member in the House, or great man out of it. He left every gentleman to his own sense of duty to his country, and relied entirely on a clear and good cause. As to private foibles, I hope he possesses great virtues enough to compensate for them, and I shall only add, that he may apply what a very eccentric genius of this age has said of himself, "My own passions, and the passions and interests of other men still more, have led me aside. I launched into the deep before I had loaded ballast enough. If the ship did not sink, the cargo was thrown over-board. The storm itself threw me into port."

You approach us sometimes with all the appearance of fairness and candour, but you have only the appearance. You urge against Mr. Wilkes's *expulsion*,

pulsion, let not your prejudices, let not your just resentments against the conduct and character of the man, who is now the object of our deliberation, prevail upon you to ground any part of your proceedings upon such destructive and fatal principles, page 37, and you say, *I have not changed my sentiments relative to Mr. Wilkes, of whom I continue to think exactly in the same manner as I have long done*, page 40. I know Mr. Wilkes is very indifferent as to your sentiments of him, or on any point whatever. You are not one of his constituents, as you tell the world in this Speech, if *I had been one of the electors for the county of Middlesex*, page 30. In almost every matter of public concern he must see that your judgment has been both false and absurd. I will examine but one case, but it shall be very capital; I mean the Peace of Paris, which you so entirely approved. I will try it by your favourite rule of economy. I desire you would inform us, if all the new territories together, which we retained after a war of such prodigious expence, afford now a sufficient revenue even to defray their own establishments, so far from paying the interest of the very debt, which we contracted to make those conquests. Yet we know that *Martinique, or Guadeloupe*

Guadeloupe alone, would have greatly assisted, if not indemnified, us in point of revenue, and that it entirely depended on your friend, the enemy of England, the *Scottish* Peace-maker, over whom you had *then* so great influence, to have secured us one, if not both, of those rich and important islands. What a wretched bargain then in point of revenue, as well as glory, did you plan and approve? What a specimen have you given of your public *economy*? Shall we again indignantly hear you claim on the pitiful, paltry savings of a few pounds at home, and only in cases where you are not yourself concerned? I will however do you the justice to declare, that I never heard, nor do I believe, *you* received any part of the amazing sums of French gold, for which all Europe is convinced that our most important conquests in the last war were sold to the ancient enemy of these kingdoms. Will you please, Sir, to state the balance of the clear revenue and necessary disbursements of the few territories we retained at the Peace, and to favour us with these accounts in the next pamphlet your ingenious friends *Wheatly, Lloyd, or Knox*, digest from your crudities for the public. I beg however they may be more accurate than any one calculation in the *Considerations on the Trade*

and

and Finances of this Kingdom, or The Present State of the Nation. If they are not, I venture to prophecy that the public-spirited author of the *Observations on the Present State of the Nation*, the only man since the age of Cicero, who has united the talents of speaking and writing with irresistible force and elegance, will again detect your gross errors, and even serve you up to the public, notwithstanding all the parade of the present hasty and ill-cemented *political friendship*. I advise you not to trust much for your security to such a mere phantom. The *Temple of Friendship* at Stowe should teach you the short duration and perfect futility of all state connections, founded merely on plans of ambition. You well know that before it was covered in, and your Uncle, the old Marshal Cobham, had time to place only the ten busts on their pedestals, no three of those *political friends* would willingly have continued a quarter of an hour together in that, or in any other, room. The *Temple of Concord and Victory* rose under your elder brother's happier auspices, and I sincerely hope that the Goddess of *Concord*, if she has indeed inspired her *three new votaries* with public spirit as well as private harmony among themselves, will lead them soon to *Victory*, as among the

the Romans the Temple of *Virtue* led to that of *Honour*. The statue of *Libertas Publica* in a niche of this Temple ought to remind you, Sir, that freedom is the birth-right of every subject of this empire, British, Irish, or *American*. If the *Grenvillian Family Compact* means to defend that, Great Britain, America, and Ireland, will join them: if it means only possessing the most lucrative offices of the state, and sharing the national plunder, the *public concord*, which now reigns thro' the whole empire will be all-powerfull without them, for there is at last, as *Lentulus* says in *Cicero*, *CONCORDIA et conspiratio omnium ordinum ad defendendam libertatem.*

Your private sentiments of Mr. Wilkes, whether you have changed them, or not, page 30, can be of no consequence to him, except from the value he sets on your opinion. I believe that is not now to be guessed. His real worth or demerit, will be estimated not from the fulsome praises of some, nor the virulent abuse of others, to which he seems equally indifferent, but from his own conduct, and the steady pursuit thro' life of those national objects, which he has declared to have always in view. Posterity will judge him with impartiality.

H

Real,

Real, intrinsick merit, no more than happiness, can *not* be perfectly ascertained on this side the tomb. The nation hailed the fair, auspicious morn of *Pulteney* and *Pitt*, and gloried in their bright meridian lustre, but with anguish beheld the melancholy, setting sun, *shorn of his beams*, and now an eternal night of oblivion has closed upon them both.

After letting us guess what you think of Mr. Wilkes, you kindly favour us with a part of your own character. It is drawn modestly, but we may be sure not unfavourably. You tell us of yourself, if *I know my own failings, REVENGE and CRUELTY are among the vices to which I am least inclined,* page 7. I remember likewise that in the winter of 1762 you declared repeatedly in the House of Commons, *that you had no AMBITION nor AVARICE to gratify.* The most difficult, Sir, as well as the most important science in the world, is confessedly *self-knowledge.* You have gone half way, as you declare, in this arduous pursuit. You let us know what you are not. You need not tell us what you are. Mr. Grenville is not *revengeful, nor cruel, nor ambitious, nor avaricious!* He tells us so himself. Can any man doubt it? If such a man exists, let him

him ask *Mr. Wilkes* his opinion of the two first qualities, and *Lord Bute* of the two last. Altho' they agree in no one other point, I dare say they now do in these four as to *Mr. Grenville*. I regret that you have delineated only so small a part of that happy composition, which makes your admired character. The next *Speech*, I trust, will furnish the rest, and you may as justly give yourself the *negative* praise of not being

Laborious, heavy, busy, bold and blind.

You observe that *Mr. Wilkes* asked the evidence at the Bar, *Mr. Barlow*, whether the precedents quoted by *Lord Mansfield* (about the ALTERATION of the RECORDS) were not all taken from the STAR CHAMBER, page 43. He certainly had a right to ask that question, and he did it, I think, very properly, for I have read in a book written by the greatest lawyer of this age, "I challenge this sophist to produce one adjudged precedent of such an alteration." Postscript to a Letter concerning Libels, Warrants, &c. p. 114. No such adjudged precedent has hitherto been produced, yet you, Sir, concurred with the Majority last winter in voting that the alteration of the records was according to law and

justice, and the practice of the Court of King's Bench. As to precedents, there are certainly many of almost every kind in the Courts of law, but those only have authority with mankind, which are in themselves just, and are made by wise and honest men in times of publice tranquility and happiness. No precedent therefore drawn from the *Star Chamber*, can now have authority. The Court of Star Chamber itself was *absolutely dissolved, taken away, and determined*, and I wish your friends would remember that the same Statute declares, that *from henceforth no Court, Council, or JUDICATURE SHALL HAVE, USE, OR EXERCISE THE SAME, OR THE LIKE JURISDICTION.* This very *Aet* passed in the glorious Parliament, or rather Synod of Gods, which met in November 1640, and in a manner *contrary to every precedent in the Journals*. The bill was only *once read*, and never *committed* in the House of Commons. Clarendon expressly tells us " that important bill " (for taking away the Court commonly called " the Star-Chamber) was never read but once " in the House of Commons, and was never " committed; which I believe was never before " heard of in Parliament." But the *entire inclination* of the nation, which he mentions, made the House, to gratify the people, dispense with their forms,

forms, of which they are undoubtedly the masters, notwithstanding the jargon you, and the late Clerk, Mr, *Jeremiah Dyson*, tease them continually with on this subject. Had you both lived in that age, which I devoutly wish for the sake of this, you would, I believe, have opposed first the very ground of *that* bill, as built on the public liberty, and then obstructed it's rapid progress, merely from the stale, unmeaning pretence of want of form, with which such triflers eternally perplex men of real business, and this, I think, probably you would both have done in spite of the earnest wishes and general impatience of a whole nation, which you are used to hold of small importance.

I have now, Sir, gone through the most material parts of your *Speech*. If I have treated you with severity, recollect that *you have deviated from the honourable and noble office of speaking the truth*, page 8, and the venom so plentifully and malignantly diffused thro' your *Speech* against Mr. Wilkes, that I was vindicating truth and a friend, and that you were not content with advancing many direct falsehoods against him in the House of Commons, but by the present publication have spread them thro' the nation. One word on the late *Grenvillian Family Compact*,

Companys, and I release you. I mean only the *three* brothers: all the rest of the family are *offa innominata*. I love the amiable character, and I honour the abilities and public virtue of Lord Temple. I really believe him a friend of the people. I hope to see early, clear, and essential proofs of this from his Ministry, if ever the powers of government are entrusted to him. If he hesitates, or delays, he will lose the favourable opinion I love to indulge of his patriotism. As to the two other contracting parties, I think of Lord Chatham as his brother Temple did in the years 1766 and 1767, and of Mr. Grenville as his Lordship did in the years 1763, 1764, and 1765. The *Grenville Family* have indeed been too much like a *Scottish Family* for many years. If one brother has at any time been quite right, another has always been as wrong, for he has been diametrically opposite. If one has been violent in opposition, another has regularly kept the ballance of power even by supporting every measure of government, and filling some lucrative office. But it is really time, Sir, to put an end to all your silly, peevish bickerings, and uninteresting, private, family disputes. The public has laughed long enough at your many girlish quarrels and reconciliations, and now expects Lord Temple to take the lead. If *you* are the Minister,

nister, I shall tremble lest the sceptre of America should be wrested out of my Sovereign's hand, or the horrors of a civil war ensue between Great Britain and her Colonies. But Lord Temple, I hope, is determined to do justice to the rights of every subject of this wide-extended empire, to give us fresh securities for our invaded liberties, to espouse the cause of the people, and to settle by his weight and authority the jarring private interests, as well as to control the mad schemes of ambition, and the selfish views, of the whole *brotherhood*. On no other terms can the *Grenvillian Family Compact* gain the power of the Court with the support and the confidence of the Nation; for both the Court and the Nation *domum timent ambiguam, Tyroisque bilingues.*

I am, &c.

Nov. 4, 1769.

A L E T.

卷之三

33. 11. 1

111

A

L E T T E R
ON THE
P U B L I C C O N D U C T
O F

Mr. W I L K E S.

FIRST PUBLISHED IN THE POLITICAL
REGISTER FOR NOVEMBER 1768.

ΤΗΝ ΕΛΕΥΘΕΡΙΑΝ ΤΟ ΚΑΛΛΙΣΟΝ ΚΑΙ ΠΕΡΙΜΑχΙΜΩΤΑΤΟΝ αθλον.

Plutarch in the Life of T. Q. Flaminius.

LETTER

on the

PUBLIC DOCUMENT

Mr. MILLER



TO THE PRINTER.

SIR, October 29, 1768.

AFTER the great variety of pieces, which to this hour have appeared for and against *Mr. Wilkes*, that subject does not seem yet exhausted, nor indeed is every particular of importance relative to his public conduct hitherto known and authenticated. I say, sir, *public conduct*, for I am entirely of opinion with the gentleman, who declares, "I do not think myself at liberty to scan the private actions of any man, but have a right to consider the conduct of every man in public, and to approve or to condemn his doings, as they appear to me to be calculated, either for the good or the hurt of his country." *A letter concerning Libels, Warrants, &c.* first published in 1764, page 5, sixth Edition. I shall not now stay

to shew how far the equity of this rule was violated by the concealed author himself before he got half through his pamphlet, in a manner equally indecent and unjust to a sick and absent friend, whom he basely wounded; but after the long harvest, which you, Sir, and your brother authors and printers have made of *Mr. Wilkes*, I shall venture to offer you a few tolerable gleanings.

The public, Sir, have a right to ask why *Mr. Wilkes* did not personally attend the trials for the re-publication of *the North Briton*, No. 45, and the *Essay on Woman*, as he did all the actions brought by the printers apprehended under the *General Warrant*. We ought likewise to be told why he was not present in the House of Commons, when the charge against him was heard on the 19th of January 1764. The justice of the nation, and his own personal honour, demanded his appearance. He had made an appeal to his country, and the cause of liberty had a particular claim on a man, who had pledged himself in it's defence. He was prevented, not by fear, to which I believe him a stranger, but by a prohibition from the highest of all powers, by a dangerous illness. Towards the end

end of December 1763 he went during the recess of parliament to pass the holidays with an only daughter, who was at Paris for a part of her education. That journey being generally made in four days, often in three, the distance was of no consequence, since in so short a time he could hear from his friends. He was seized at Paris with a violent fever. A considerable inflammation, with other bad symptoms, attended the dangerous wound he received in a duel with Mr. Martin. In this condition he transmitted to the Speaker on the 11th of January 1764 an *original* certificate of his ill health, signed by the French king's physician, and a surgeon of his army. He requested in the letter *a more distant day, that he might have it in his power to attend the discussion of points, so very important in themselves, and in which he was so materially concerned*; but the decree of *expulsion* had passed the lips of the Scottish minister to his slaves, the ministers of the day, to whom for a short time he had delegated his omnipotence. They were empowered in a proper manner to persuade the same famous *Majority* in the Lower House, which had been induced to approve the *Peace of Paris*, and in the first year of it to establish the late detested *Excise on cyder and perry*,

not

not only to expel *Mr. Wilkes*, but likewise to vote him the author of the *North Briton*, No. 45, without the oath of any witness, or the shadow of legal proof. According to the constitution of England, this, being a fact, ought to have been tried by a jury of twelve men, and not enquired into by witnesses at the bar, who were not sworn. This direct attack on the rights of their countrymen in so important a point as the trial by jury, would have surprized the world in any other body of men, but these had before voted away their own privileges, or rather the privileges of the nation, for they are strictly the rights of the constituents, who confer them on their representatives in parliament. The constitution gives privilege of parliament * as

* " It was not made to screen criminals, but to preserve the very life and being of parliament, for when our ancestors considered, that the law had lodged the great powers of arrest, indictment and information in the crown, they saw the parliament would be undone, if during the time of privilege the royal process should be admitted in any misdemeanor whatsoever, therefore they excepted none. Where the abuse of power would be fatal, the power ought never to be given, because redress comes too late.

" A parliament under perpetual terror of imprisonment, can neither be free, nor bold, nor honest, and if this privilege was once removed, the most important question might

" be

one of the best barriers against the violence of the crown, which might otherwise in an important moment, in the last noble struggle of expiring liberty, seize not *five*, as a former *Stuart* would have done, but *five hundred*, deputies of the people. They had done this in so intricate and doubtful a case, as that of a real or pretended libel. They even went so far as to thank the crown for the tender regard expressed for the privileges of the House in the case of Mr. Wilkes, although the Court of Common Pleas had unanimously released him, because his imprisonment was a violation of the privileges of the same House, and those judges *on oath* were obliged to consider the privileges of parliament as a part of the law of the land. I suppose their decision in his favour against the two *Lords of his Majesty's most Honourable Privy Council, and Principal Secretaries of State*, who both signed the Warrant of commitment, is now acknowledged to be *legal*, for the president of that court, who delivered their opinion and his own, has since been promoted to the first dignity in the law, and is at

“ be irrecoverably lost, or carried by a sudden irruption of
“ messengers, let loose against the members half an hour be-
“ fore the debate.”

Lords' Protest. 29 Nov 1763:

this

this hour Lord High Chancellor of Great Britain. In other instances, notwithstanding the clear precedent on their own *Journals*, of a Chief Justice impeached for "having in an arbitrary manner granted divers *General Warrants* for attaching the persons, and seizing the goods of his majesty's subjects," the express vote "that the searching and sealing of the chambers, studies and papers, of members of parliament, and issuing out warrants for that purpose, are breaches of privilege," and the remarkable case in point, "that Mr. Laurence Whitacre, being a member of parliament, and entering into the chamber of Sir John Elliot, being likewise a member of that parliament, searching of his trunks and papers, and sealing of them, is guilty of a breach of privilege of parliament," and Mr. Wilkes had on the very first day of the session in 1762, made a complaint against the under-secretary, Mr. Wood, the solicitor of the treasury, Mr. Webb, &c. and all the facts were of public notoriety, yet the *Majority* on the 14th of February 1764 arbitrarily voted that the complaint against them should be *discharged*, yet without any declaration of their reasons for so strange a proceeding, or asserting the innocence of the parties under so heinous a charge. The cruelty of

of Mr. Wilkes's treatment in the Tower, to which he was committed a *close* * prisoner even for a misdemeanor, and the suffering no person for three days to come near a member of parliament to bail him, although committed for a bailable offence, were likewise entirely overlooked by a *Majority*, glorying in a blind submission to the inhuman dictates of a cruel, despotic, and remorseless minister. Thanks to the wisdom of our ancestors, who planned the noble constitution of this country, that House of Commons is now dead, but the memory of their infamy is immortal. They were suffered to die a natural death, although they had long survived the good opinion, and totally lost the confidence, of their masters. No age produced so great a number of profligate and prostitute senators. After the total loss of the liberties of Rome, Tiberius did not find a senate so slavish, and even the pensionary parliament of Charles II. must now cease to be the most infamous in the annals of England.

* " The law of England appoints imprisonment " in custodia not in paenam," acknowledges no *close* imprisonment, whereas I was kept with the most extreme rigour." *Algernon Sydney's apology in the day of his death.* Page 173.

Mr. Wilkes continued very ill during the months of January and February, nor was he tolerably recovered till the end of April. He seldom ventured abroad even in March that year. The *Majority* had made a pretence that the *certificate* of his bad state of health was not authenticated before a *notary public*. He therefore in vindication of his honour transmitted to the speaker on the 5th of February a fresh *certificate*, which proved that the former was in the due form, and gave the particulars of his illness to that day. This was attested by two *notaries public*, and the *English ambassador*. The trials in the King's Bench however came on the 21st of February, the *alteration of the records* having been made only the day before. The next French mail brought to him languishing in bed, as a balm to his wounds, an account of the surprizing transactions of those two days, although by the preceding post he had received the most positive assurances that the trials were put off, together with copies of counter-notices, signed *summoning officer*, which had been sent to several of the jury. Could he have known the *records* would be *altered* after he had pleaded, he would certainly have given orders not to make any defence, and have sought

a con-

a constitutional remedy. The proceeding to trial under such circumstances, when his solicitor had protested against the *alteration*, shewed how determined his enemies were at any rate to make sure of his conviction. If the *alteration* had not been made, the original records were too loose and vague to have convicted him. The information must have been quashed*. Could he suspect the

* " The common opinion among lawyers has always been,
 " that no judge, in a *criminal* proceeding ought to know any
 " thing of the *record* before the trial comes on, unless one of
 " the parties in *open court* move something thereon; because a
 " judge is to be unprejudiced and impartial. The making
 " of an *immortal* alteration in any *chamber* would be folly,
 " the making of a *material* one *without consent*, seems to be
 " injustice, seeing it might prevent and remove an objection
 " fatal after trial, in arrest of judgment. And what attorney
 " in his senses would complain to any court against the pre-
 " fident in it? I challenge this sophist to produce one *adjudged*
 " precedent of such an alteration. His supposition of there
 " being no difference in legal signification between the words
 " *tenor* and *purport* is grounded in ignorance; the former hav-
 " ing been *determined* to import an exact recital, and the other
 " only the general meaning and effect, of any deed or paper.
 " For which reason the first has been held to be sufficient, and
 " the other insufficient to ground a conviction." *Postscript to*
a Letter concerning Libels, Warrants, the Seizure of Papers, &c.

p. 114.

alteration, which was deferred almost to the last hour? Lord Mansfield personally went through the whole of this business. The *alteration of the records* was made under his immediate inspection at his own house, and he tried both the causes. The false and cunkered *Scot*, whose pestilential breath blasted all our warriors' laurels, now exulted, and thought his subtle countryman had made him for ever safe from the most dangerous of his enemies, for that Mr. Wilkes had received the *coup de grace* by the two *verdicts* and the *out-lawry*, which probably would follow. Could Lord Mansfield have imagined that Mr. Wilkes would have dared to return to England, I believe he would neither have tried the two causes himself, nor have ventured upon the *alteration of the records*.

The first plan of the *Scottish* minister's revenge was still deeper laid. A complaint had been purposely made to the House of Lords by the *Bishop of Gloucester*, that the name of *Warburton* had been put to some notes of the *Essay on Woman*. The bishop in this affair, was however, only co-adjutor to a * lay lord, *homini post homines natos turpissimo,*

* Earl of Sandwich.

sceleratissima,

Acceleratissimo, contaminatissimo, who first moved the complaint, so much to the astonishment of his brother peers, that * one of them said, *he never before heard the devil preach a sermon against sin.* It had therefore been determined that after the expulsion from the House of Commons, which was already bargained for, he should be committed to Newgate on this pretended breach of the Bishop's privilege, and continue there till a verdict was found against him. He would then be in safe custody to receive the sentence of the King's Bench. The success of this ministerial craft was certain, had Mr. Wilkes been in a capacity of returning to England at the beginning of the year 1764. When he was able after the two trials and the expulsion, if he had returned during the lawless rule of an administration, which had sacrificed the liberties of the subject, and even their own security, to gratify the favourite's lust of revenge, he ought to have lodged in Moor-fields. He carried on steadily all this time the causes against Lord Halifax, and they were only suspended by his *out-lawry*, which took place in November 1764. The day, on which the *writs*

* Lord Le Despencer.

of error were allowed in 1768, he resumed the attack, and I believe his lordship will not now be much longer able to mock the justice of the nation. On the changes of the ministry, with pleasing, but delusive hopes, in 1766 he twice

review'd his native shore,
Much fam'd for gen'rous steeds, for beauty more,

as old Homer says of Greece, and is equally true of England, but one of the ministers wanted the power, and the other the will, to do him justice. The *Marquis* was in his heart the warm friend of liberty and his country. The *Duke* was the friend of — Nancy Parsons's friend.

Mr. Wilkes was *out-lawed* for contumacy in not appearing to receive sentence. The courts of law have always looked on *out-lawries* as odious. The process of *out-lawry* is to compel an appearance: as soon as an appearance is made, the court ought to be satisfied. When therefore he came into the court of King's Bench, and declared an entire submission to the laws of his country, it was most natural to imagine the *out-lawry* would have fallen of course, sentence been pronounced, and the law fully

fully satisfied. His coun~~sel~~^{sel} insisted on this, and likewise pointed out many defects in the form of the *out-lawry*, which proved it erroneous and invalid. He had appeared, and declared himself the person, against whom two verdicts were found at that very bar, but the most ridiculous, the most farcical scene imaginable followed. The judges (*credite posteri!*) agreed not to know him, and he was suffered, notwithstanding the two convictions on record, together with an *out-lawry*, to depart the court of King's Bench in as full security as any of the numerous and astonished spectators. It was then the determination to have continued the *out-lawry*. The speech delivered by Lord Mansfield on the reversal was composed, or rather translated from the Latin, about that time, evidently as an apology for the establishing of it. A week after this, Mr. Wilkes sent to the sheriff's officer to execute the *capias utlagatum* upon him at a fixed hour in his own apartment. He attended the officer into court the same morning, on the 27th of April, but it was not till the 9th of June, when the *out-lawry* was reversed. It was then at last declared originally null and invalid. This long delay

delay was the more extraordinary, because by his express orders the council had refused to argue that point any more after the first hearing, although pressed to it by the judges. His reason was, that the public had declared an entire satisfaction in the state of the argument, as left by Mr. Serjeant Glynn. Lord Mansfield reversed the out-lawry merely on an error stated by the serjeant in the form, not on the large and liberal ideas of law and justice, on which the greatest stress had been laid in the pleadings. This defect was the omission of two words, *pro tomitatu*. Mr. Wilkes however, I believe, owes the reversal of his out-lawry to no legal pleadings, no subtle arguments, or nice distinctions, to no pretended failure of form where no form whatever is prescribed, but to the temper and high spirit of the times, to the people of England in general, more than to any one man. He has that most essential obligation to the nation at large, not to the kindness of any particular.

The little piece of chicane I have mentioned in the English law is only to be paralleled by a similar nicety among the Romans, which gave the pretext to a like reversal of the proscription of *Cicero*. The law against him was bad grammar and false latin,

latin, for the *tense* was mistaken. It was drawn by *Sextus Clodius*, the *Wedderburn* of the Roman bar, but instead of *interdicatur*, it was *interdictum sit*, which Cicero declares rendered it null. *At quid tulit legum scriptor peritus, callidus? Velitis, jubeatis, ut M. Tullio aqua et ignis interdicatur? non tulit ut INTERDICATUR: quid ergo? ut INTERDICTUM SIT.* Afterwards he observes, *Quid si iis verbis scripta est ista proscriptio, ut se ipsa dissolvat?* He gives the reasons at large, *quod factum non est ut sit factum, ferri ad populum, aut verbis ullis sanciri, aut suffragiis confirmari potest? &c, &c.*

I shall now, Sir, give you my opinion on another point of importance among the charges brought against Mr. Wilkes. He is said to have spurned at all law and government, to have raised and fomented the riots and tumults, so frequent of late years in this kingdom: The whole of his conduct demonstrates the injustice and malice of this charge. The distractions and confusions in all public affairs spring from a very different cause, from the general discontent of the people, who, in the fatal effects, observe and smart for the unhappy influence over the sovereign of a **FREE** country, which a man has obtained, *who wants*

L

wisdom,

wisdom, and holds principles incompatible with FREEDOM, as Mr. Pitt said, although he has been contradicted by Lord Chatbam. Mr. Wilkes has irreproachably the merit of a good subject, for he has always paid a due respect to the laws, a reverence to the constitution, an obedience to the power of the magistrate, and to all just authority. Under repreated oppressions by the hand of power he has only sought the legal redress. He has claimed the protection of the laws against acts of injustice, violence, and ministerial robbery. The laws have fully justified the appeal. His enemies have been convicted of many atrocious, illegal acts, and condemned by more than one sovereign court of justice. He is indeed, Sir, a man *more finned against, than finning.* After the sharpest provocations, the conduct of Mr. Wilkes has been cool, temperate and prudent. When he was released from the Tower, he went soon into a retired part of Surry. He visited his friends in the city, after that triumph of the Jaws in his person over ministerial tyranny, only in the most private manner, to avoid every possibility of a tumult among the people, who thought him greatly injured, and had warmly espoused his cause in gratitude to a man, *qui libertatem civibus stabili-
verat*, in Tully's phrase. He did not make a vain
foolish

foolish progress through several counties, like the mad Tory Parson in Queen Anne's time. He went only once into Buckinghamshire, and he chose the king's birth-day for the time of his coming among his constituents at Aylesbury, that the rejoicings on his return to them might distinguish that auspicious day. On the occasion he gave an entertainment to the Borough, after which he returned to town.

The same spirit of moderation and prudence dictated all his future measures, and he studiously avoided every thing which could inflame. Since his last return to England, the City and Middlesex elections have given fresh proofs of his love of decency, peace, and order. He exerted himself during the whole time of the poll at Guildhall to preserve the peace of the city, and his last words on quitting the hustings were, *Gentlemen, I recommend it to you in the strongest manner to exert yourselves to preserve the peace and quiet of this great city. That* attention to the public good in such a moment of humiliation to an unsuccessful candidate carries with it in my idea particular merit, but the action, by which it was followed, gives it great lustre. The livery in general had been disgusted by the partiality of the first city magistrate, and irritated by

the ministerial orders to vote for their creatures, which were issued from some of the boards. Those *orders* had appeared in most of the public prints. The people were fully informed of every transaction. They thought the election unfair from the beginning, and were farther provoked the last day at the shutting the great iron gates during the time of the poll, by which many of the livery were prevented getting into the hall. It was believed that they intended at the close, before the numbers could be cast up and proclaimed, to have seized and destroyed the poll books, that the whole proceedings, which they considered as irregular, might be void. The moment of the clerks delivering the poll books to the sheriffs on the hustings in order to be cast up by them, was to have been the signal. Mr. Wilkes was informed of this, and he prevented it by retiring as soon as the poll was finished, before the books could be cast up, even by the clerks, and delivered. The greater part of the people, as on the former days, followed Mr. Wilkes. All the other candidates remained in the hall with their friends, the sheriffs proceeded to cast up the books, and the declaration of the numbers on the final close of the poll was by this prudent measure made with very little confusion,

fusion. The former days of the poll Mr. Wilkes had attended the casting up of the books, even by the sheriffs, and the affixing of the numbers for public inspection at the upper end of Guildhall. One of the successful candidates thanked him publicly, as he was retiring from the hustings, for *the excellency of his conduct.*

The Middlesex election furnishes another proof of the care Mr. Wilkes has taken to maintain decency and good order. A great riot was apprehended, which seemed to be the favourite, and indeed then became the only, resource of the other party. The *out-lawry* subsisting, they had with the basest views most falsely and infamously asserted in the public papers, that he might be killed like a wild beast, and ought to be shot like a mad dog, that such an action would be not only innocent, but meritorious. He dispersed through the county many thousand addresses to the freeholders, entreating their assistance for the preservation of the public peace, without a hint of his private safety. He might certainly have been attended by a numerous cavalcade to Brentford. Many of the freeholders pressed it as a proper, and the usual, measure; but he chose the most private manner, and went there

the

the evening before the election with only one* gentleman, whose friendship he ranks among the honours and blessings of his life. The election was carried through in the greatest freedom and order, with a general sobriety never before seen on such an occasion, intirely owing to the influence of Mr. Wilkes and his friends. On the same principle of preventing even the possibility of a tumult or riot, he declined the being *chaired*, and other usual honours.

I am ashamed, sir, to have dwelt so long on a point, which may be proved by the whole of Mr. Wilkes's conduct. Even his present situation has given him a glorious opportunity, which I do not recollect has happened to any other man, of shewing his obedience to the laws and to the civil magistrate. After the refusal of bail by his judges before sentence, in his way to prison he was rescued by his countrymen. The officers of justice, who had the charge of him, were in the utmost danger. Mr. Wilkes had that day the happiness of preserving three lives, although perhaps not the three he would have chosen from the whole species. Af-

* The Reverend Mr. John Horne, Minister of New-Brentford.
terwards

terwards by a stratagem, and in disguise, he escaped into the prison, to which he had been sentenced in the morning. The *Marshal* soon came, still pale, trembling, and aghast, ready to fall on his knees no less from fear than gratitude, thanked him in the warmest terms, and said, *it was impossible he could continue in the King's Bench prison twenty-four hours, if there was any honour in government.* He has now been there above half a year, and I dare say he will pass the next eighteen months in the same place, for although the envenomed cause of all his, and the nation's wrongs is fled, yet the sting is left behind. The *accursed thing* is not now indeed *in the midst of us*, but we do not know how soon the vengeance of heaven may for our sins chastise us in as full a measure of wrath as before. Since his letter to the king in the beginning of March, Mr. Wilkes has made no * application to any person whatever respecting his pardon, and I prophecy that he will be left where he is till the 18th of April 1770, with only the testimony of

* Many persons affecting to believe that the King never received that Letter, Sir Joseph Mawbey delivered into his Majesty's own hands a Petition from Mr. Wilkes in the month following the date of this Epistle.

a good

a good conscience, the satisfaction of having done real services to his country, and the love of a grateful nation. He will then emerge with dignity and glory, for I believe he will have the confidence of the public enough to carry through many constitutional points of liberty, in conjunction with other true lovers of their country, and perhaps to compleat the plan of freedom, which even the glorious *revolution* left imperfect.

In the mean time under the weight of the most unjust oppressions, Mr. Wilkes's friends have the comfort of finding that he possesses peace and fortitude of mind, that he does not *bate a jot of heart or hope, but still bears up and steers right onward.* He might add that all he has suffered has been

*In liberty's defence, his noble task,
Of which all Europe rings from side to side.*

I hope he will atone for the dissipation of too gay a youth, and that the rest of his life will be usefully employed for this nation, whether in the gloom of a prison, or at large among cheerful and genial friends, of sense and honour, with a steady, disinterested, and inviolable attachment to the cause of liberty. After a few tedious months he will look back

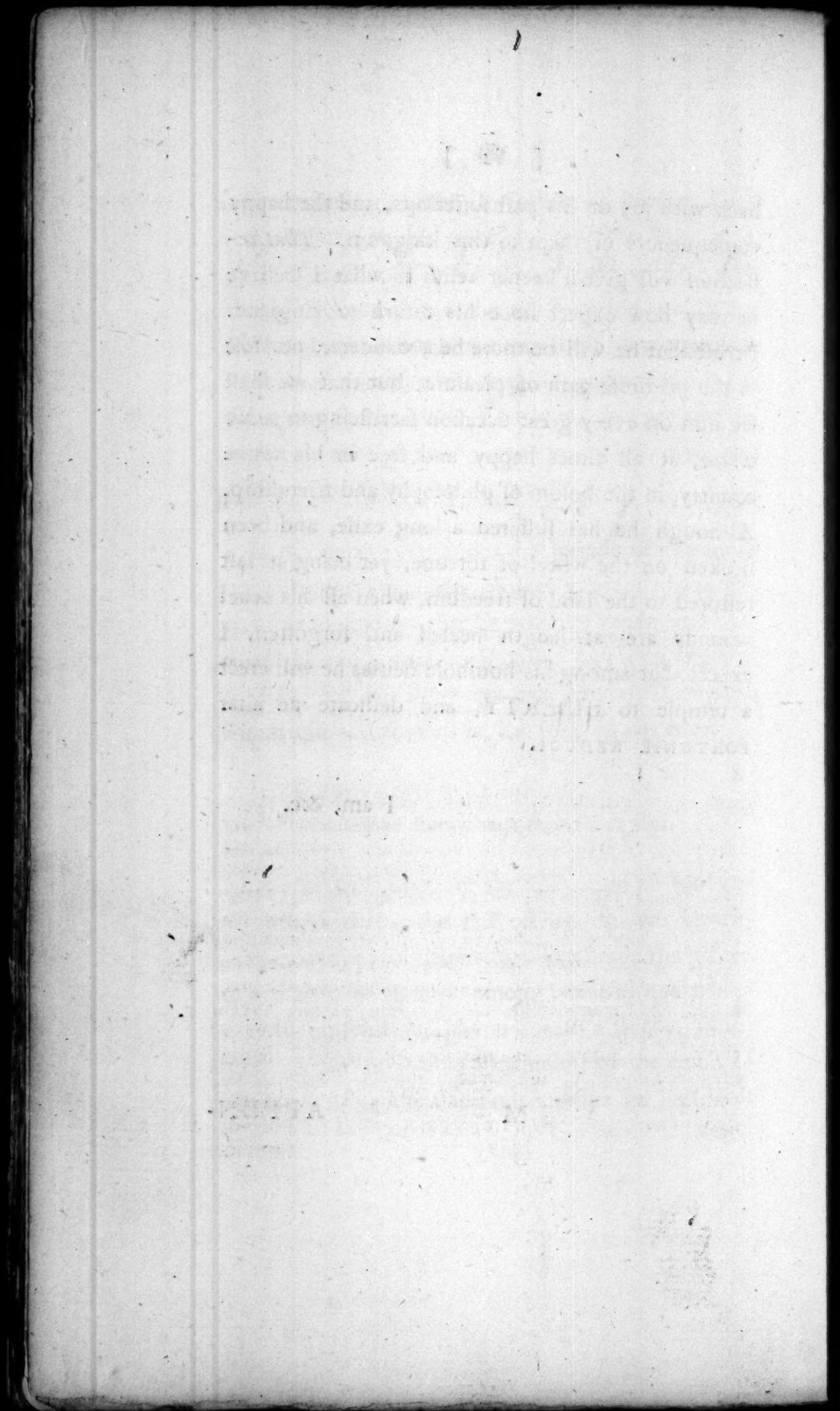
back with joy on his past sufferings, and the happy consequences of them to this kingdom. *That* reflection will give a keener relish to what I believe he may now expect since his return to England. I trust that he will no more be a wanderer, nor lost in the primrose path of pleasure, but that we shall see him on every great occasion sacrificing to *public virtue*, at all times happy and free in his native country, in the bosom of philosophy and friendship. Although he has suffered a long exile, and been broken on the wheel of fortune, yet being at last restored to the land of freedom, when all his cruel wounds are at length healed and forgotten, I expect that among his household deities he will erect a temple to **LIBERTY**, and dedicate an altar

FORTUNÆ REDUCI.

I am, &c.

M

APPEN-



A N A P P E N D I X,

Containing PAPERS referred to in the two
foregoing LETTERS.

Nº I.

Page 2. " **A** General Warrant may carry horrour and
" **A** cruelty to every family and every indi-
" **A** vidual in the island."

The General Warrant.

L. S. **G**EORGE MONTAGU DUNK, Earl of
HALIFAX, Viscount SUNBURY, and Baron
HALIFAX, one of the LORDS of his MAJESTY's
most honourable PRIVY COUNCIL, Lieutenant
General of his MAJESTY's Forces, and principal
Secretary of State.

These are in his majesty's name to authorize and require
you, (taking a constable to your assistance) to make
strict and diligent search for the authors, printers, and
publishers of a seditious and treasonable paper, entitled
the NORTH BRITON, N° 45, Saturday April 23, 1763.
Printed for G. Kearsley, in Ludgate-street, London; and
them, or any of them having found, to apprehend and
seize, together with their papers, and to bring in safe
custody, before me, to be examined concerning the pre-
mises, and further dealt with according to law; in the
due execution whereof, all mayors, sheriffs, justices of
the peace, constables, and all other his majesty's officers
civil and military, and loving subjects, whom it may
concern, are to be aiding and assisting to you as there
shall be occasion. And for so doing, this shall be your

M 2

warrant.

warrant. Given at St. James's the twenty-sixth day of April, in the third year of his majesty's reign.

DUNK HALIFAX.

To *Nathan Carrington, John Money, James Watson, and Robert Blackmore, four of his Majesty's Messengers in Ordinary.*

N^o 2.

Page 4. "Nor the Warrant of Commitment to the
"Tower."

The Warrant of Commitment.

CHARLES Earl of EGREMONT, and GEORGE DUNK Earl of HALIFAX, LORDS of his MAJESTY's most honourable PRIVY COUNCIL, and Principal Secretaries of State.

These are in his majesty's name, to authorize and require you, to receive into your custody the body of *John Wilkes, Esq;* herewith sent you, for being the author and publisher of a most infamous and seditious libel, entitled the NORTH BRITON, N^o 45; tending to inflame the minds, and alienate the affections, of the people from his majesty, and to excite them to treasonable insurrections against the government; and to keep him safe and close, until he shall be delivered by due course of law. And for so doing this shall be your warrant. Given at St. James's, the 30th day of April 1763, in the third year of his majesty's reign.

To the right honourable,
John Lord Berkley of Stratton, Constable of his Majesty's Tower of London, or to the Lieutenant of the said Tower, or his Deputy.

EGREMONT. L. S.

DUNK HALIFAX. L. S.

N^o 3.

Page 8. "The Record, being in the King's Bench,
" has been altered."

Extract from an *Enquiry into the Doctrine lately propagated, concerning Attachments of Contempt, The Alteration of Records, and the Court of Star-Chamber.* 4to. London 1769.
Printed for Williams, page 49.

Where liberty and protection are the principal objects of government, nothing can be more alarming and dangerous to the people, than the judges assuming a power of employing their own discretion, instead of the law, in the administration of justice. It will be a superlative degree of folly to suppose ourselves governed by law, if the judges can exceed or abrogate the rules of it, and punish us for saying we are oppressed. The law is matter of institution, a judge hath nothing to do with the reasons of it; his office is merely ministerial, and solely to declare what it is, not what it * should be; there the line of his power is drawn. He who passes it either through vanity, presumption, or corruption, is a traitor to the public. The Spirit of the common law, in the strictness of holding the judges to such precisions, as not to be authorized to amend any record before them, even in a syllable or a letter, is not generally perceived, or the force of it understood, which hath made some judges more bold than others in this respect. Nevertheless, it is the secret wherein the strength of the constitution lies, as the strength of Sampson did in his hair. It is the great and only effectual bar that human wisdom can raise to preserve the public safety from violation by the judges. Was it otherwise, as they are

* Sir William Parkins, who was concerned in the assassination plot, against king William III. on his trial before Holt Ch. Just. prayed the assistance of counsel in pursuance of Stat. 7. Will. III. c. 3. but though this act had passed the royal assent before the trial came on, yet it came on before the act took place, viz. the very day next preceding its commencement; upon which occasion Holt said, "We must conform to the law as it is at present, not to what it will be to-morrow, we are upon our oaths so to do." *Fol. Cr. Law. 230. 232. 4 St. Tri. 630. 631.*

men subject to the vices and follies of men ; arrogance, caprice, prejudice, motives of state and party, might usurp the seat of justice, and the law be forced to give way to whatever an overbearing judge should be pleased to call common sense. Nothing therefore concerns the preservation of civil liberty, as well as property, more essentially than keeping up the old constitutional bar against the judges exercising any discretion of their own not purely legal. This is a subject of very serious importance, and hath been defined with some spirit. —

A modern most elegant writer, seems to have profited his character as a lawyer, in no instance so much, as in that, wherein he is pleased to censure the Judges, for scrupulously declining to alter their records, without the sanction of an act of parliament*; however he hath the candor to admit, “ that they may, through a decent degree of tenderness, excuse themselves from amending in criminal cases; that they need not grant an amendment, where it would work an injustice to either party; or where he cannot be put in as good a condition as if his adversary had made no mistake.”

A late learned and judicious † writer says, “ he would ask by what authority or book case, a single judge hath an undoubted right to summonce attorneys to his chambers, and direct amendments in the records of the court? and whether the course (which is the law) of the court, hath not constantly been, where either party is desirous of altering a record, to apply by counsel in open court for that purpose? and the reason is obvious, viz. because a record being the act of the court, that is of all the judges thereof, they ought all to be applied to, for leave to make an alteration in their own act.”

L. C. J. ‡ Coke says, all causes ought to be heard, ordered and determined before the judges of the king’s courts, openly in the king’s courts, whither all persons may resort; and in no chambers, or other private places: for the judges are not judges of chambers, but of courts,

* 3 Black. Com. 409.

† The author of the preface to Dig. Lib.

‡ 3 Inst. 103. 104.

and

and therefore in open court, where the parties, counsel, and attornies attend, ought ORDERS, rules, awards and judgments to be made and given; and not in *chambers*, or other private places, where a man may lose his cause, or receive great prejudice or delay in his absence for want of defence; nay, that judge who ordereth or ruleth a cause in his *chambers*, though his order or rule be just, yet offendeth he the law, because he doth it *not in court*. And the opinion is good and agreeable to this law, *qui aliquid statuerit parte inaudita altera, aequum licet statuerit, haud aequus fuerit*, neither are the cautes to be heard upon *petitions*, or *suggestions* and *references*, but in *curia domini regis*.

Motion in arrest of judgment on an indictment for libelling the government, and the objection made was, for that the charge, which was laid to the defendant, was not so certain and particular as it ought to be, for the libels were not set forth in *hæc verba*, as they ought; neither was the defendant charged directly with writing or making the very words and sentences expressed in the indictment, but only that he made and wrote *libels*, in which among others, was contained “according to the *tenor*” and “to “the *purport* * following.” After the above case had depended in the *King’s Bench* several terms, and after it had been several times argued at the bar, it was agreed by *Holt* chief justice, *Rokeby* and *Turton* justices, upon solemn argument on the † Bench, that if the indictment had been for a *libel*, containing, among other, “to the *purport* following,” it had been ‡ ill, because it had not imported, that the words were the specific words which were in the § libel. The court must be judge of the words *themselves*, and not of the construction the *prosecutor* puts upon them, but “according to the *tenor* following” imports the very words || *themselves*. For the *tenor* of a thing is the ¶

* *Carth.* 408. 3 *Salk.* 226. pl. 5.

† *Lord Raym.* 415.

‡ 12 *Mod.* 218. 3 *Salk.* 226. pl. 5.

§ *Lord Raym.* 415. 3 *Salk.* 226. pl. 5.

|| 11 *Mod.* 79. 85, 96. 3 *Salk.* 226. pl. 5.

¶ 2 *Salk.* 661. 3 *Salk.* 225. 226. pl. 5.

transcript; and *Rokeby* said the words “to the *part*,” were loose and *useless* words; and the words “according to the *tenor*,” being of a certain and more strict signification, the force of the latter was not hurt by the former, which *H&t* chief justice agreed * to; and if on the trial, the words in the *libel* had not been *exactly* the same, with the words in the *indictment*, the defendant could not have been found guilty †.

The just now cited ordinance of *Edward the first* was so rigidly observed, that *Ralph de Hengham*, chief ‡ justice of *England* in that king’s reign, moved with compassion for the circumstances of a poor man, who was fined 13s. and 4d. in an § action of debt, caused the || record to be *erased*, and made 6s. and 8d. he was ¶ fined 800 marks for this offence.

The learned Doctor *Blackstone’s* remarks on *Hengham’s* case, seem rather *equivocal*, for in the body ** of his commentaries, he observes that, “in strictness it was certainly *indefensible*,” and in the ** note he says, “certainly his offence was *nothing* very *atrocious* or *disgraceful*; for though removed from the *King’s Bench* at this time, we find him about twelve years afterwards made chief justice of the *Common Pleas*, in which office he continued till his death.” Would not this reasoning of the Doctor’s be much more conclusive, were there not instances of gentlemen of the long robe, who, finding the business of the bar not answer, have had interest, by means of *family connections*, to advance themselves to the bench?

* 2 *Salk.* 417.

† 12. *Mod.* 218. 219. 3 *Salk.* 225.

‡ 4 *Inst.* 255. *H. H. P. C.* 649.

§ 3. *Inst.* 72. *Fortesc.* *Rep.* 393.

|| 4. *Inst.* 255. *Fortesc.* *Rep.* 393.

¶ 2 *Rich.* 111. 10. 3. *Inst.* 72. 4 *Inst.* 255. *Fortesc.* *Rep.* 393.

** 3 *Black. Com.* 408.

With the * fine of 800 marks the clockhouse at Westminster was builded, and furnished with a † clock, which continueth to this day ‡.

Hengham's case justice Southcot remembered, when Catlyn Ch. Just. B. R. in the reign of Queen Elizabeth would have ordered a razure of a § record in the like case, which Southcot utterly denied to assent unto, and said openly § in court, that he meant not to build a clockhouse.

Thus we see how very cautious the judges were formerly of *raising* a record, and how very severely the Lord Chief Justice of the Court of King's Bench was fined for doing it, (eight hundred marks, a large sum in those days,) though the chief justice's offence was an act inspired by humanity alone, and done from a mere motive of compassion for a poor man, who had been *excessively*, and consequently *illegally* fined.

Extract from the Political Register for July 1768.

The following is said to have been the conclusion of Mr. Serjeant Glynn's Speech [in the King's Bench] in Mr. Wilkes's cause.

My Lords,

I have now done with my client and his cause; your Lordships will determine according to your wisdom. But here let me entreat you for the sake of the safety of every subject of this nation, that your Lordships will please to fix some limits to the discretionary power of ALTERING RECORDS; that we may know for the future when we can be certain of the cause we are to plead; and that the subject may not be liable to ruin at the discretion of a judge.

* Which sum was entered on the roll. 4. Inst. 255.

† It hath been said, that the original bell to the clock is the same that now hangs in St. Paul's steeple. Upon this story it is observable, that the first introduction of clocks was not till 100 years afterwards, about the end of the fourteenth century. 3. Black. Comp. 408. in note (x).

‡ 3 Inst. 72. 4 Inst. 255.

§ 4 Inst. 255.

Middlesex.
 In the KING's BENCH. THE KING
 against
 JOHN WILKES, Esq;

Francis Barlow, of the Crown Office, in the Temple, and William Hughes of the same place, severally make oath; and first the deponent Barlow for himself saith, that on the eighteenth day of February last, he received directions from Mr. Wallace or Mr. Webb, to apply to a judge to get the information against the defendant amended, by striking out the word PURPORT and inserting in it's stead the word TENOR, that he this deponent did accordingly apply to the Right Honourable Lord Mansfield, and obtained a summons to shew cause why it should not be amended; a copy whereof is hereunto annexed: and this deponent, immediately after he had obtained the same, sent two copies thereof, viz. one to the other deponent, Hughes, who was clerk in court for the defendant, and the other copy to Mr. Philips, solicitor for the said defendant; and this deponent was informed, and does believe, that such copies were left that night at their respective houses; and this deponent Barlow further says, that in consequence thereof, he this deponent, on Monday the twentieth day of the same month of February in the morning, attended Lord Mansfield at his house, and there met the other deponent, Hughes, and Philips; and this deponent remembers, that Lord Mansfield asked them what objection they had to such an amendment, and that they or one of them made answer, *that they could not consent*; and this deponent remembers, that Lord Mansfield said he did not ask their consent, but wanted to know what their objections were, and asked them if it was not usual or the common practice to amend informations, or to that or the like effect, and that Lord Mansfield mentioned or read from a book or *manuscript*, which his Lordship had in his hand, several cases of amendments; and that afterwards his Lordship made an order to amend the information in this cause, a copy of which order is hereunto annexed; and this deponent, Hughes, for himself saith, that he remembers to have been served with a copy of such summons, and that he attended Lord Mansfield

field when such order was made as above set forth; and accordingly, to the best of his remembrance and belief, what is above deposed by the other deponent Barlow is true.

Sworn by the deponent Francis Barlow, the 22d of January, 1765, at my Chambers in Serjeant's-Inn, } FRANCIS BARLOW.
} WILLIAM HUGHES.

Before me, E. WILMOT.

Sworn by the deponent William Hughes, }
in the King's-Bench Treasury-chamber, }
Westminster-hall, the 23d day of January, 1765. }

E. WILMOT.

Middlesex, }
The King }
against }
John Wilkes, Esq; }
On an information for }
publishing a Libel, inti- }
tled the North Briton. }
Let the defendant's clerk in
court, agent, attorney, or
solicitor, attend me at my
house in Bloomsbury-square,
on Monday, the 20th day of
February instant, at eight
o'clock in the morning, to
shew cause why the informa-
tion in this cause should not
be amended by striking out
the word "PURPORT"
in the several places, where it
is mentioned in the said in-
formation (except in the first
place) and inserting instead
thereof, the word "TE-
NOR."

Dated this 18th day of February, 1764.

MANSFIELD.

Middlesex,
The King
against
John Wilkes, Esq;
On an information for
publishing a Libel, in-
titled the North Briton.

Upon hearing the clerks in court
on both sides, I do order that
the information in this cause
be amended, by striking out
the word, "PURPORT"
in the several places where it
is mentioned in the said infor-
mation (except in the first
place) and by inserting in-
stead thereof, the word "TE-
NOR."

Dated this 20th day of February 1764.

M A N S F I E L D.

The same alteration was made in the cause respecting the *Essay on Woman*. This alteration seems trifling in appearance, but is in reality of the utmost importance. It totally changed the nature of the defence. If the word PURPORT had remained, upon which Mr. Wilkes's counsel were prepared to argue, scarcely any two men could have been found, who would have agreed in a verdict finding him guilty to the PURPORT, or effect charged in the information; but by the alteration to the word TENOR, the PURPORT was not in question, and the defence was changed into a critical comparison of the words, letters, and figures in the papers published with those in the information filed, for which no time was allowed. The causes were tried the very next morning, so that Mr. Wilkes's counsel were deprived of making the defence, for which they were prepared, and forced upon a defence, which they had neither time to consider, nor reason to apprehend. Mr. Wilkes himself was at that time in another kingdom very dangerously ill.

Page 9. "The Evasion of the *Habeas Corpus.*"

Extract from the St. James's Chronicle of March 2, 1769.

Di tibi formam—sed tu corpus eras sine peccore. HOR.

It is one of the peculiar advantages which this nation enjoys beyond any other in the world, that an appeal may always be made to the public at large, although refused at every other bar in the kingdom, and that while the printers of our English news papers do their duty, the body of the people will scarcely fail of being well informed of every measure of administration, which can affect their laws or liberties. I bring now, Sir, to the bar of the public, an enquiry into the most alarming attack on the liberty of the subject, by the evasion of the *Habeas Corpus* in the case of Mr. Wilkes, which has not yet been enquired into, censured, punished. In proof of what I shall assert, I transcribe for your paper five authentic pieces, which have not yet appeared in print.

It is remarkable that to evade the *Habeas Corpus*, the custody of Mr. Wilkes was changed no less than *four times in half a day*, as if it was a determined point to insult, and make a mockery of, the most important act of parliament, which ever passed for the liberty of the subject. On Saturday, April 30, 1763, about noon, we find him in the custody of Robert Blackmore and James Watson, under the *General Warrant*; he is soon carried by them to the secretary of state's, then he is in the custody of the Earls of Egremont and Halifax, their under secretaries, law clerk, and solicitor to the treasury; they transfer him over to George Collins and Thomas Ardran; and lastly, George Collins and Thomas Ardran deliver him to the deputy lieutenant of the Tower, to be kept a *close* prisoner. The Court of Common Pleas being sitting at the time of the messengers seizing Mr. Wilkes at his own house by the *General Warrant*, application was directly made to that court for the *Habeas Corpus*, which was ordered to issue *immediately*. Mr. Wilkes himself informed the secretaries of state of this. The two following affidavits, the one of Richard Hopkins, Esq; member for Dartmouth, a clerk of the Board of Green Cloth, the other of John Walsh, Esq;

Esq; member for Worcester, will prove that the law counsel to the secretaries of state, and the solicitor to the treasury, knew this, while Mr. Wilkes was at Lord Halifax's house. He was soon hurried away to the Tower, and thus the first *Habeas Corpus*, directed to Blackmore and Watson, was wickedly evaded. It was scarcely possible for the friends of Mr. Wilkes to use more expedition in a law business. The writ was moved for at noon, and granted immediately; as soon as the office was opened in the afternoon, it was expedited, and served on each of the messengers the same evening: in vain, for ministers and lawyers were determined the subject should not avail himself of an act of parliament against an act of power. This atrocious proceeding remains still to be enquired into, still to be punished.

Since the time of Charles II. when the *Habeas Corpus Act* passed, I believe so deliberate, so fraudulent, and so barefaced an evasion of it, when all the delinquents were apprized before-hand of their guilt, was never attempted. The answer of the two messengers, Blackmore and Watson, to the most peremptory order of a court of justice to bring the prisoner immediately before them, together with the cause of his seizure, was only *that they had him not in their custody*, having purposely given him into that of another. No court of justice was ever before so trifled with by the low tools of power, when the liberty of an Englishman was at stake. The law commanded, but it's authority was trampled upon by the officers of the crown. I have not heard of any punishment on either of the messengers, nor of the secretaries of state being so much as questioned on this head; but I am sure if such a return to a *Habeas Corpus* is deemed sufficient or satisfactory, it is in the power of a minister of state to seize illegally any member of either house, and by dodging from place to place, and shifting the custody of the prisoner, not *four times in half a day*, but only four times a month, to imprison him for life, even within an island, which in vain boasts of the firm bulwarks of it's liberty, and the protection, which the laws afford the lowest subject against the most powerful.

I shall only farther observe, that these two secretaries were the political legacy of the Earl of Bute in 1763, on his nominal *abdication*.

In the Common Pleas.

The H A B E A S C O R P U S.

Jones. | George the third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to Robert Blackmore and James Watson, greeting, we command ye, and each of ye, that ye have the body of John Wilkes, Esq; by whatsoever name, or addition of name, he may be named or charged under your custody, taken and detained, as it is said, together with the day and cause of the taking and detaining the said John Wilkes before the justices of our court of Common Bench at Westminster, in the Great Hall of Pleas, there *immediately* after the receipt of this our writ, to do and receive all those things, which the same court shall then and there consider of in this particular. Witness *Sir Charles Pratt*, Knt. at Westminster, the thirtieth day of April, in the third year of our reign.

April 30, 1763.

By rule of Court,

Beardmore by Stannynought.

Endorsed, H. GOULD.

Mem. Delivered copy to Mrs. Watson, and the original to Mrs. Blackmore, before eight o'clock.

A. B. [Arthur Beardmore.]

April 30, 1763.

In the Common Pleas.

Mr. W A L S H 's Affidavit.

John Walsh, of the parish of Saint George, Hanover-Square, in the county of Middlesex, Esquire, maketh oath, and saith, that he this deponent was present on Saturday last, in this honourable court, at a time when a rule was moved for, and granted on behalf of John Wilkes, Esquire, who was then in custody, for leave to issue out a writ of *Habeas Corpus*, in order to bring the said John Wilkes into court, together with the cause of his detention. And this deponent saith, that very soon after this honourable court had granted a rule for that purpose, he, this deponent, went to the house of the Right Honourable the

the Earl of Halifax, in Great-George-street, Westminster, and requested the favour to speak to the said John Wilkes, where he was at first told that he could not speak to the said John Wilkes; but this deponent was afterwards informed he might speak to the said John Wilkes in the presence of Mr. Philip Carteret Webb, Solicitor of the Treasury, and Lovell Stanhope, Esq; and thereupon this deponent did (in the presence and hearing of the said Philip Carteret Webb and Lovell Stanhope) inform the said John Wilkes, that this honourable court had granted him a writ of Habeas Corpus.

JOHN WALSH.

Sworn May 2, 1763, in the new
Treasury Chamber at West-
minster, before me,

H. GOULD.

In the Common Pleas.

Mr. HOPKINS's Affidavit.

Richard Hopkins, of the parish of Saint George, Hanover-Square, in the county of Middlesex, Esquire, maketh oath, and saith, that soon after this honourable court had on Saturday last granted a rule on behalf of John Wilkes, Esquire, who was then in custody, he, this deponent, went with John Walsh, Esquire, to the house of the Right Honourable the Earl of Halifax, in Great-George-street, Westminster, and requested the favour to speak with the said John Wilkes, where they were first told that they could not speak to the said John Wilkes; but afterwards this deponent and the said John Walsh, were informed that they might speak with the said John Wilkes in the presence of Philip Carteret Webb, Esquire, Solicitor for the Crown, and Lovell Stanhope, Esquire; and thereupon the said John Walsh did (in the presence and hearing of the said Philip Carteret Webb, Lovell Stanhope, and of this deponent) inform the said John Wilkes, that this honourable court had granted him a writ of Habeas Corpus.

RICHARD HOPKINS.

Sworn May 2, 1763, in the new
Treasury Chamber at West-
minster, before me,

H. GOULD.

Charles

Charles Earl of Egremont, and George Dunk Earl of Halifax, Lords of his Majesty's most honourable Privy Council, and Principal Secretaries of State, &c.

These are, in his Majesty's name, to authorise and require you to deliver into the custody of the Constable of the Tower of London, the body of John Wilkes, Esq; for which this shall be your warrant. Given under our hands and seals this thirtieth day of April, 1763.

EGREMONT. (L. S.)
DUNK HALIFAX. (L. S.)

To George Collins, and Thomas Ardran, two of his Majesty's Messengers in Ordinary.

Received this 30th day of April, 1763, of Mr. George Collins and Mr. Thomas Ardran, two of his Majesty's Messengers, the body of John Wilkes, Esq; committed to the Tower by the Right Honourable the Earls of Egremont and Halifax.

Tower.

CHARLES RAINSFORD,
Deputy Lieutenant.

Extract from the St. James's Chronicle of Dec. 29, 1768.

The Affidavit of John Gardiner, Esq;

London, to wit.

John Gardiner, of the Inner Temple, Esq; Barrister at Law, maketh oath and saith, that about twelve or one o'clock in the forenoon, on Saturday the thirtieth day of April, one thousand seven hundred and sixty-three; he, this deponent (being in Westminster-Hall) heard that a motion was then making in his Majesty's Court of Common Pleas, for an *Habeas Corpus* to bring up the body of John Wilkes, Esq; who, as this deponent was then informed, was a prisoner in the custody of some of his Majesty's messengers in ordinary; and this deponent saith that he, immediately upon receiving such information, went into the said Court of Common Pleas in order to see the event of the said motion. And this deponent further

O

faith

faith, that as soon as the said court had ordered the said writ of *Habeas Corpus* to issue, this Deponent went to the House of the said John Wilkes, Esq; in Great George-Street, Westminster, at the door of which house this deponent saw several gentlemen (friends of the said John Wilkes, as this deponent then understood and believed) who informed this deponent that they could not gain any admission into the said house; and further told this deponent that the King's messengers were in possession of the said house and kept the door thereof: whereupon this deponent went up to the door of the said house and knocked at the same, which was soon opened, and kept a little way open, by some person or persons from within. This deponent then asked Mr. Wilkes's servant, who appeared through the said opening of the said door, whether his master was within? Such servant returned for answer, that the said Mr. Wilkes was not, and added, that the said Mr. Wilkes had been carried to, and then was at Lord Halifax's. This deponent then asked the said servant to let this deponent into the said Mr. Wilkes's house; to which the said servant made answer, that it was not in his power, for that the messengers were in possession of the door. This deponent then desired to see such messengers: upon which one of the said messengers (whose name was Blackmore, as this deponent believes) came in sight. This deponent then asked the said messenger, by what authority he kept Mr. Wilkes's friends out of his house? Such messenger made answer, that he acted by virtue or under the authority of the Secretary or Secretaries of State, or used words to that or the like purport or effect. This deponent then desired such messenger to shew his authority, or produce the orders of the Secretaries of State; which such messenger refusing to produce, this deponent then turned his discourse to the aforesaid servant of Mr. Wilkes, and asked him if his master had given any orders to keep his friends out of his house? Such servant replied, his master had given no such orders; whereupon this deponent turned round to the aforesaid gentlemen, whom he found at the said Mr. Wilkes's door as aforesaid, and desired them to follow him, and with one push or shove opened the said door, and got into

into the said house, and went with all the said gentlemen into the front parlour of the said house (among the said gentlemen were, to the best of this deponent's belief and recollection, Mr. Townsend, Mr. Walsh, Mr. Hopkins, Mr. Cotes, Mr. Philips, and several others): this deponent then talked with the said messengers, and told them that he, this deponent, thought they had acted in a most illegal and unjustifiable manner, and that he, this deponent, apprehended they would be severely punished for such an outrage upon the laws of their country. Soon after Mr. Wood, (who, as this deponent was informed and believes, was then Deputy Secretary of State) came into the said parlour of the said Mr. Wilkes's house, and immediately interrogated the said messengers, (in a passionate tone of voice as this deponent apprehended) Who had sent for him? Which question the said messengers not immediately answering, the same Mr. Wood repeated the same once again or more. Some of the messengers then said, they had all sent for him, for that those gentlemen (meaning, as this deponent believes, this deponent and the said other friends of the said Mr. Wilkes) would force their way into the house. The said Mr. Wood then asked, (in the same haughty tone of voice) Who was the person that would force his way, or would come in? or used words to that or the like purport or effect. This deponent made answer, and declared that he was one of the persons that would come into the said house, but that he knew of no force by himself or the said friends of Mr. Wilkes, or used words to that or the like effect; and all or most of the said gentlemen, who were friends of the said Mr. Wilkes, joined in the said declaration. Soon after this one Philip Carteret Webb made his appearance in the said house, and entered into some private discourse with the said Mr. Wood; after which, to the best of this deponent's recollection as to point of time, the Right Honourable Earl Temple came into the said parlour, when some discourse passed between the said Earl and the said Mr. Wood, and the said Mr. Webb, and after a good deal of altercation between the said Mr. Wood, and the said Mr. Webb, and the said friends of the said Mr. Wilkes, the said Mr. Wood and Mr. Webb (who seemed

seemed to take upon themselves the sole direction and disposition of the said Mr. Wilkes's house, and of every thing therein) asked the said Earl if he choosed to attend the officers or messengers while they were sealing up all the said Mr. Wilkes's papers ? which the said Earl then refused. The said Mr. Wood and Mr. Webb then made the same offer to this deponent, and to the other friends of the said Mr. Wilkes. Soon after this deponent quitted the house of the said Mr. Wilkes, and went with Mr. Beardmore (the solicitor of the said Mr. Wilkes) to the Tower of London, where the said Mr. Wilkes had been just committed a prisoner, as this deponent had been informed ; and this deponent there applied to Major Rainsford, who then commanded in the said Tower, and desired to be admitted to the said Mr. Wilkes, *in order to consult with the said Mr. Wilkes, and fix upon a legal mode or plan for his enlargement* ; but the said Major Rainsford then acquainted this deponent, that he had received orders from the Secretaries of State not to admit any person whatever to speak with, or see the said Mr. Wilkes ; and further informed this deponent that he (the said Major Rainsford) had just before refused Lord Temple the like admittance to the said John Wilkes ; and this deponent further saith, that, to the best of this deponent's recollection and belief, the said Major Rainsford demanded of this deponent his name, and informed this deponent that he had orders to take down the names of all persons who should apply for admittance to the said Mr. Wilkes. And this deponent upon his oath aforesaid, further saith, that between the hours of twelve and one, on Sunday May the first, one thousand seven hundred and sixty-three, he, this deponent, called again upon the said Major Rainsford, and again desired the said Major Rainsford to admit him, this deponent, to see and consult with the said Mr. Wilkes ; but the said Major Rainsford then again refused this deponent, as he did soon after several noblemen and gentlemen, and Mr. Heaton Wilkes (the brother of the said John Wilkes) who all applied to the said Major Rainsford for a like admittance to the said John Wilkes in the presence of this deponent. The said Mr. Webb (who appeared to be, and was, as this deponent believes)

believes, a director and adviser in all the proceedings against the said John Wilkes) then being present in the said Major Rainsford's room, this deponent applied to the said Mr. Webb for admittance to the said Mr. Wilkes. The said Mr. Webb thereupon desired the said Major Rainsford to permit this deponent to see and converse with the said Mr. Wilkes. The said Major Rainsford answered, his orders were to admit no person to Mr. Wilkes, and that he could not comply with what the said Mr. Webb had requested, or used words to that or the like purport and effect. The said Mr. Webb then replied, that it could not be the intentions of the Secretaries of State to keep the said Mr. Wilkes so close a prisoner, and again desired the said Major Rainsford to admit this deponent to the said Mr. Wilkes, and added, that he (the said Mr. Webb) would indemnify him (meaning the said Major Rainsford); to which the said Major Rainsford then further answered, that he could not comply with the said Mr. Webb's request, nor would he break or disobey orders, or used words to that or the like purport and effect. The said Mr. Webb then said, that if either of the Secretaries of State were in town, he would apply to them and obtain an order to admit this deponent to the said Mr. Wilkes, and that he would either send or bring such order for such admittance in the afternoon. This deponent, confiding in the said promise of the said Mr. Webb, went again to the said Tower between eight and nine o'clock of the same first of May, and again applied to the said Major Rainsford for such admittance, but was again refused admittance by the said Major, who then informed this deponent that he had not received any orders from the Secretaries of State, nor had he heard any thing from the said Mr. Webb. And this deponent farther saith, that he, this deponent, on Monday the second of May, between the hours of two and three o'clock in the afternoon, again applied to the said Major Rainsford for admittance to the said John Wilkes, but was again denied such admittance by the said Major Rainsford. And this deponent further saith, that he has been ready and willing to testify all the facts aforesaid, before the Honourable House of Commons, but that the order for the attendance of this deponent before the

the said Honourable House being further adjourned or enlarged to the 27th day of January next, this deponent cannot then attend the said house, as he, this deponent, had taken his passage for the West-Indies, before he, this deponent, was served with any order to attend the said Honourable House.

J. GARDINER.

Sworn at the Mansion-House, in the City of London,
this 17th day of December, in the year 1768, be-
fore me,

SAMUEL TURNER, Mayor,

N° 5.

Page 9. "The breach of privilege by serving a mem-
ber of parliament with a *subpœna*."

Extract from the Trial of the Seven Bishops. State-
Trials, vol. iii. page 738.

Sir Robert Sawyer,

There is another thing we have to say to this warrant, (for I am making objections against the validity of this commitment) it does not appear that there was any oath made, and therefore the court must adjudge that there was no oath made, and then no man ought without an oath to be committed, much less a peer; but that which we chiefly rely upon, is, that my Lords ought not to have been committed for this, which is but a misdemeanour at most: and if they use it as process to bring my Lords the Bishops to answer an information, we say, by law no such process can be taken out against the persons of peers for bare misdemeanours. I do agree, that for felony, treason, or surety of the peace, the persons of peers may be committed; and that which is called surety of the peace in our books, Mr. Solicitor knows very well, in some of the rolls of parliament, is called breach of the peace, but it is all one; and the meaning in short is, that it is such a breach of the peace as for which a man by law may be obliged to find sureties for the peace. If it should mean a breach of the peace by implication,

implication, as all trespasses and misdemeanours are said to be *contra pacem* in the indictment or information, then it were a simple thing to enumerate the cases wherein privilege did not lie; for there could be no information whatsoever, but must be *contra pacem*, and so there could be no such thing as privilege at all: and besides, we say, the very course of this court is contrary to what they would have; for in the case of a peer for a misdemeanour, you go first by summons, and then you do not take out a *capias* as against a common person, but the next process is a *distingas*, and so *ad infinitum*; and I do appeal to them on the other side, and challenge them to shew any one precedent, when a peer was brought thus into court, to be charged with an information, without it were in the case of an apparent breach of the peace, for he must be charged in custody, and there must be a *committitur* to the marshal, to intitle the court to proceed. Your lordships will find very few precedents of cases of this nature about common persons, for till within these fourteen or fifteen years there was no such thing ever done against a common person; but this was the rule; first there went out a *subpœna*, and then an attachment, and when the party was taken upon the attachment, he is taken to come in upon process, and then the court would charge him presently, but if he did appear upon the summons, they would not charge him, but he had time to take a copy of the information, and an imparlance of course, till the next term, before he could be compelled to plead. But *in the case of a peer, there never was any such precedent, as the attaching his person, but only a summons and distress; and I would be glad the KING's council would shew that ever there was any such process taken out against the person of a peer, for a mere misdemeanour.* My lord, 'tis plain what breach of the peace means in every information, and I only speak this to acquaint the court how the constant proceedings in all these cases have been. These informations were anciently more frequent in the Star-Chamber; and what was the process there? not the common process of a *subpœna*, that was not the course there; but the process was a letter from the Chancellor, that if the party upon that letter did not appear, in a common case, there went out an attachment; but in
a peer's

a peer's case, never; and so it appears by *Compton's Jurisdiction of Courts. Tit. Star-Chamber 33.* This appears likewise by the proceedings in Chancery against the peers, till the queen's time they did not so much as take out an attachment after default upon a *subpœna*, but they would then in the queen's time be so bold as to take out an attachment against a lord for not appearing; but that course was condemned as illegal; so we find in my Lord Dyer.

In Sir Simond's *D'Ewes's Journal* we find, that a *Subpœna* is not to be served on a Member, pages 347, 348, 553, 554, 637, that punishment was inflicted on a person for serving a *Subpœna*, page 373, and that two Members were sent to the Lord Keeper to have a *Subpœna* revoked, 554. Edition of 1693. London, folio.

Nº 6.

Page 11. " Altho' what he (Michael Curry) said
" there (at the Bar of the House of Commons) is a good
" deal softened, from what he swore at the Mansion-
" House, on the third of August preceding, before he
" had been softened himself."

The Affidavit of Michael Curry.

Michael Curry, of St. Peter's Mancroft in the city of Norwich, printer, maketh oath and saith, that in the month of May one thousand seven hundred and sixty-three, he was hired by John Wilkes, Esq; of Great George-street, Westminster, at the rate of twenty-five shillings per week; that he lived in the house of the said Mr. Wilkes, was boarded and regularly lodged there; that he was employed by the said Mr. Wilkes in several things about his private press; that the said Mr. Wilkes employed this deponent to compose and print part of a poem, entitled, *An Essay on Woman*; that the said Mr. Wilkes gave this deponent the strictest charge to keep it secret, and to suffer no person whatever to see the said poem; that the said Mr. Wilkes ordered this deponent to work off only twelve copies, which were all to be

be delivered, and were actually given to the said Mr. Wilkes himself, but that without the knowledge of the said Mr. Wilkes this deponent worked off another copy for himself; that from the carelessness of this deponent four pages only of the said poem came into the hands of one Jennings, who likewise worked at the said Mr. Wilkes's; that by the means of this Jennings it was shewn to Mr. Farmer, Mr. Faden, and the Rev. Mr. Kidgell; that the first application made to this deponent was by Farmer, who came, as he pretended, on his own curiosity, to see the rest of the poem called, *An Essay on Woman*, having seen some part of it in the hands of Jennings, which Jennings, he said, told him he had from the house of the said Mr. Wilkes; that this deponent would not then shew Farmer any thing; that a few nights after Farmer called again on this deponent; that they retired to Saint John's Gate coffee-house; that Farmer repeated he had some parts in black; that this deponent then said to Farmer, that no poetry had been done in black at the said Mr. Wilkes's, and therefore Jennings must have come by those verses at some other house, the parts of the *Essay on Woman* being in red, which this deponent said to evade, altho' the proofs were in black; that Farmer told this deponent he wanted it to oblige a Roman Catholick gentleman, and that he would give two guineas or any thing to get it; that he actually laid down two guineas, which this deponent refused, and told Farmer that he was not upon an honest design; that he could not conceive for what reason a Roman Catholick gentleman particularly should offer two guineas, or any sum, for what Farmer must know was not from the quantity worth six-pence; that this deponent then paid for the pint of beer before him, telling Farmer that if he would call the Sunday morning following this deponent would speak to the purpose, and then quitted the house; that this deponent then discovered the affair to a friend, and when Farmer came to this deponent on the Sunday, this deponent told him that he had destroyed the copy, and that he hoped that would end any further visit on that head; that the next day this deponent waited on Mr. Churchill; that this deponent asked him if any harm could come to Mr. Wilkes, or this deponent, for the *Essay*

on *Woman*; that Mr. Churchill said there could not, but for any thing the people in power could do, they might be damn'd; that however he would write to Mr. Wilkes, who was then in France; that the next application was by Hassell, the overseer of Mr. Faden, who desired this deponent would go to the Globe Tavern, as Mr. Faden wanted to speak to this deponent on some business; that this deponent accordingly went; that when Faden and this deponent were alone, Faden informed him, that Farmer had given him a few pages of an *Essay on Woman*, which the said Faden had shewn to a clergyman, and that clergyman to a nobleman, and that if this deponent would oblige him with a copy of the whole for that nobleman, he would be this deponent's friend, and was positive, that *the person, as he was in power, would make an ample provision for him this deponent*; that this deponent pretended ignorance of the whole at this meeting; that another meeting was soon after had with the said Faden at the said Globe Tavern; that the said Faden promised this deponent he should be taken care of, and if he would give the said Faden a copy of the *Essay on Woman*, this deponent might have any sum he named, or any place he should name, which it was in their power to get; that several other meetings were had between the said Faden and this deponent; that the same offers were repeated, and ten, twenty, a hundred guineas, or any sum, would be given as a security that the copy should be returned; that Mr. Wilkes was all this time in France; that there was a strong report that *Mr. Wilkes intended to prosecute this deponent for felony, in having stolen a copy of the Essay on Woman*; that this deponent applied to see Mr. Wilkes on his return from France, and was refused by his servant; that soon after the applications to this deponent were renewed by the said Faden and the said Hassell; that he was desired to name any sum; that he might depend on being supported from any injury he might apprehend, and *firmly rely on being protected by those in power*; that otherwise he might be prosecuted for having printed the copy; that afterwards the reports of this deponent's being to be prosecuted by Mr. Wilkes for felony gaining ground, this deponent in a passion went to the said Globe Tavern, sent for

for the said Faden, and gave him the copy, saying, he hoped he should be taken care of, as he found he was not safe either in keeping or destroying the copy; that the said Faden then gave him five guineas as a security to return him the copy, and promised him protection; that this deponent went with the said Faden on the same evening to the house of *Philip Carteret Webb, Esq; Solicitor of the Treasury*, in Great Queen-street, where was the Rev. Mr. Kidgel; that the said *Webb* bid this deponent be easy, for that he should be provided for; that this deponent afterwards for several weeks lodged and boarded in the said *Webb's* house; that this deponent was often told by the said *Webb* that *government would take care of him, if he would give evidence on the trials against Mr. Wilkes*; that he must remain staunch, and that *directions, as to what this deponent should say on the trials were given him by the said Webb*; that a few days before the meeting of the parliament, the said *Webb* bid the said Faden take this deponent out of town; that accordingly the said Faden and this deponent went first to Hounslow, then to Hampton-Court, and afterwards to Knightsbridge, till the morning the house sat, when they went to the Horn Tavern in Westminster, where were the said *Webb* and the said *Kidgell*, and from thence to give evidence before the House of Lords; that the said *Webb* a few days afterwards carried this deponent to the *Earl of Sandwich*, who was then Secretary of State; that his lordship said to this deponent, *You have saved the nation, and you may depend on any thing that is in my power*; that this deponent said he was without money, to which his lordship replied, he must not hear that; that the said *Webb* added you had no occasion to mention that; that at the bottom of his lordship's stairs, the said *Webb* ordered this deponent to go to Mr. *Carrington*, one of the king's messengers; that this deponent accordingly went to the said *Carrington's*, who gave him a guinea and an half, for which this deponent gave a receipt in these words, *for subsistence, for which I shall be accountable, or to that effect*; that the same payment of a guinea and an half was continued for about twenty-five weeks by the said *Carrington*; that the said *Carrington* said the reason why he took receipts was, that

he was answerable to the government for that money; that this deponent was assured by the said *Webb*, from time to time, that he should be amply provided for, that this deponent was afterwards employed by the said *Webb* to compromise the verdicts with the other printers, which this deponent did for the other printers at the sum of one hundred and twenty pounds each; that this deponent had received nothing from the said Carrington for some time before the verdicts were compromised; that he received for his own share two hundred thirty-three pounds six shillings and eight-pence, which the said *Webb* declared was for the trouble and satisfaction for what had been done; that then this deponent finding no more money coming from the said Carrington, and his life being made very uneasy at London, retired into the north.

MICHAEL CURRY.

Sworn at the Mansion-House,
in London, the 3d of August,
1768, before

THOMAS HARLEY, *Mayor.*

N° 7.

Page 13. "During all these proceedings you continued at the head of the Treasury, *Webb* was your Solicitor."

Extract from the North Briton of Aug. 26, 1769.

*Mark them, and let their names recorded stand
On Shame's black roll, and sink thro' all the land.* Churchill.

In the year 1763 Philip Carteret *Webb*, Esq; in the height of ministerial favour, public odium, and private infamy, was employed by a despotic administration as *Solicitor to the Treasury*. He had full powers, and very ample grants, to carry on prosecutions against the friends of liberty, to procure evidence, to corrupt witnesses, and in every possible way to distress and harass all, who dared to oppose the three *Vice-roys* of the *Thane*. It must be acknowledged that he was no less successful than indefatigable in all the various arts of chicane, corruption, and treachery. *He* first advised the illegal mode of proceeding

ing

ing against the *North Briton*, the issuing of a *General Warrant*, and the *Seizure of Papers*, or a warrant against the personal liberty of every man in the island, and all his most important, secret, and valuable possessions, which by a second violation of our laws were at the mercy of the lowest tools of administration, the *King's Messengers*, to whom without the sanction of an oath, the judicial as well as the executive power was delegated. A *General Warrant* is indeed in every view a monster of absurdity and cruelty. It reminds me of the impious wish of *Caligula*, that the *Roman people had but one neck, that he might have a stroke at the whole body together*. The Solicitor always found in the Earls of *Egremont* and *Halifax*, two *Secretaries* eager to signalize their obedience to the orders of their common master, the arbitrary *Scot*, which were frequently sent to them by his *Treasury agent*. At his first request the *General Warrant* issued. Mr. Wilkes, and many other persons, were soon apprehended, but he alone immediately undertook, at an amazing expence, to bring the whole of those illegal proceedings before a sovereign court of justice, and to rescue the nation from the iron rod of ministerial oppression, under which we had so long suffered. A number of mean and profligate knaves have been taken into the pay of government to justify, in various ways, these atrocious proceedings, among whom were distinguished as remarkably busy and base, the impudent, bullying, lying *Norton**, and the fawning, cringing, quibbling *Dyson* †, the *colour and conduct* of whose life, in *Lord Mansfield's* words, mark the *Molatto slave*, as the manner and tenour of his actions have christened him the *Mungo of the Ministry*. But Mr. *Webb's* single defence of the *General Warrant* and the *Seizure of Papers* was that the practice had been frequent, and that there were many such precedents remaining in the *Original Office-books of the Secretaries of State*, and among the *Records of the Court of King's-Bench*. He might as well have justified the rob-

* Sir Fletcher Norton, Knight, late Attorney-General, now Chief Justice in *Eyre*.

† Jeremiah Dyson, Esq; commonly called *Mungo*, was one of the *Secretaries to the Treasury* under *Lord Bute*, and is now one of the *Lords of the Treasury* under his deputy, the *Duke of Grafton*.

beries on Hounslow-heath by the books of Sir John Fielding, or the records of the Old-Bailey, which certainly prove the existence of the practice time immemorial. The learned labours of Mr. *Webb* however on this occasion shall not be lost, especially as he had access to the originals, and is supposed to have copied them with *unusual* faithfulness. He collected all the precedents, and printed them in a small quarto. The *crew of Bute* had it sent to them, superscribed *most secret*. Mr. *Webb* afterwards earnestly desired that the volume might be delivered up to him, and the greater part of the copies was in consequence returned. This book I send to you, Mr. North *Briton*, that you may re-print it for the public view. The subject is highly interesting to every Englishman, and the precedents are no less curious than alarming. I was not however at all surprised to find the *head of the Bloomsbury gang*, and the *public defaulter of unaccounted millions*, among the violators of public freedom, but the name of *Pitt* to *three* warrants of so dangerous a tendency I must own astonished me, although I should not have wondered at that of *Ghatham*.

Nº 8.

Page 15. " Notices declaring that the trials were put off, signed *Summoning Officer*, were sent to several of the legal summoned jury only the day before the trials."

Extract from the Gazetteer of February 27, 1764.

The following is a true copy of a letter sent to several gentlemen summoned to attend as jurymen on the late trial of John Wilkes, Esq; the evening before, and the same morning, the trial came on, in Westminster Hall, by means whereof they were deceived and prevented from making their appearance there.

Middlesex.

Middlesex. } *The information of the King against Wilkes, Esq.
is adjourned to Thurday the 23d day of Fe-
bruary instant at nine o'clock in the forenoon,
in Westminster Hall; of which, Sir, you have
this notice from*

Your humble Servant,

Summoning Officer.

February 20, 1764.

N° 9.

Page 15. "Denying Mr. Wilkes the justice of going
"into this part of his *Petition.*"

Extract from the North Briton of June 24, 1769.

It should be remarked, that the present examination comprehends only *two* articles of the *Petition*; I mean the *alteration of the records*, and the *public money issued to Michael Curry*, as evidence for the crown against Mr. Wilkes. To the first point Mr. Barlow and Mr. Wallace are very full and express; but it is rather wonderful that the artful Mr. Wallace should be so much off his guard as to acknowledge to the House, that at least *he concurred with other gentlemen concerned for the crown in the advice to alter the records*, when Mr. Wilkes had been his client in the beginning of these very causes, and of consequence had imparted to him, as counsel, in whom he confided, the secrets of the intended proceedings both in the legal defence and attack. Mr. Wallace indeed denied this with unusual warmth on the Tuesday in the house; but Mr. Wilkes insisting on the fact, and being ready to prove it, the lawyer was pleased to make a full confession of this meanness and treachery in the same place the very next morning, with the modesty which has accompanied him through life.

In the second case likewise *Michael Curry*, in his evidence on the last of January 1769, at the Bar of the House of Commons, *without oath*, varies almost as much from his deposition *on oath* before the Lord Mayor on the 3d of

August

August 1768, as you find Mr. *Wallace* does from himself on the last of January and the first of February.

I desire further to premise, that there were several other articles in Mr. *Wilkes's Petition*, besides the complaint of the *General Warrant* and the *Seizure of papers*, which have not hitherto been enquired into, neither by Parliament, nor by any Court of law, and yet are of the utmost importance. Of this nature are the *evasion of the Habeas Corpus act*, the *close imprisonment for a bailable offence*; the *subpœna on an information for only a misdemeanor*; the *counter-notices*, signed *Summoning Officer*, sent to several of the *jury* only the day before the trials, and the *producing papers seized under the General Warrant as evidence on the trials*; all which are entire new matter.

Mr. *Wilkes* had the authority of the house to summon a variety of witnesses so early as the 24th of November, who attended, at an enormous expence, till January 27, in order to prove every allegation in his *Petition*; but on the morning it was to be heard, the Majority determined that evidence should be gone into only on two points. He was likewise permitted to call for the office-copy of the *General Warrant*, &c. &c. to prove that part of the *Petition*, which was not garbled till the very day of it's being heard. The only paper *REFUSED* was, *all such accounts as have been passed, declared, or received, from Philip Carteret Webb, Esq; late Solicitor of the Treasury, since Midsummer 1762, from the Auditors of the Imprest, or their deputies*.

Nº 10.

Page 18. "When Mr. *Fitzherbert's* visit to the "King's Bench proved ineffectual."

Extract from the St. James's Chronicle of Feb. 25, 1769.

It is the observation of *Plutarch*, when he is speaking of the cruelties exercised at Rome after the return of *Marius*, that it appeared on this occasion, that the sacred ties of friendship and hospitality cannot stand the trial in the days of adversity. No man has experienced this more than Mr. *Wilkes*. The last week produced another remarkable instance

instance of it from a gentleman *, formerly one of his most intimate friends, who has only once in the last ten months ventured within the King's-Bench walls, not to cheer the prisoner and captive, not to chase the gloom of such a habitation, but to fetch and carry political messages. This person thought himself at liberty to relate † *publickly* what he pretended had passed in a *private* conversation with Mr. Wilkes at the time of that visit. I was not present, but I am told the conversation was falsely and malevolently stated. I will leave it to others to send you the substance of what was said *in publick*. I shall give you faithfully all the particulars, which occurred at the conference between the two gentlemen *in private*, and I appeal to another gentleman ‡, who accompanied the placeman, for the truth of my relation.

The placeman had several times called on an honest ¶ bookseller in Piccadilly, a friend of Mr. Wilkes, to desire him to come to the King's-Bench, to entreat Mr. W. not to present a *Petition* to the House of Commons, for the consequence must be the loss of his seat in Parliament from the resentment of the ministry. The honest bookseller refused to come on that message. The placeman had never once been to see his old friend in prison, since his commitment in April, till Sunday evening, the 13th of November, the day before the *Petition* was presented. The attempt by the bookseller failing, he ventured himself in the dusk to obey the mandates of his master. He introduced himself with the most fulsome and tedious professions, the most unnecessary and ridiculous among real friends. He then declared what pleasure he should have found in coming frequently to the King's-Bench, that he could not pass his time so well as with Mr. Wilkes, and that he would have been often there, could he have been really useful to his friend. He talked warmly against the intended measure of presenting a *Petition* to the House of

* William Fitzherbert, Esq; member for Derby, and one of the Lords of Trade.

† In the House of Commons.

‡ David Garrick, Esq.

¶ Mr. Almon.

Commons complaining of grievances, and declared that he knew, if Mr. Wilkes would be quiet, he might keep his seat ; if he presented the *Petition*, he would certainly lose it. He earnestly entreated Mr. Wilkes to give up the *Petition*, and to keep his seat ; the honour and advantage of which he painted in strong colours. Mr. Wilkes desired the authority for such direct assertions. The place-man declared, that he spoke in the name of the Minister, and that he would promise, if the *Petition* was not presented, no attempt shquld be made in parliament against Mr. Wilkes. He was then asked by Mr. Wilkes, if he would promise for the great man as first minister, or as Duke of Grafton, for the Duke of Portland * had found how little the promises of the Duke of Grafton were regarded by the first Minister. No answer was made to this. Mr. Wilkes then declared, that he thought it his duty to every man in this country to present a *Petition* of such general concern, complaining of so many unparalleled grievances ; that he would not sell the rights of the people and his own, even for a seat for the first county in England ; that he held that seat at the free will of his constituents, and refused to hold it at the arbitrary will of any Minister ; that he was highly sensible of the private honour to himself, but he felt still more for his country ; that on no terms would he have given up the *Petition*, had they been offered before his last Address to the county, but that now no proposal ought to have been made to him, which could even suppose that breach of faith. In the course of a long conversation, Mr. Wilkes oberved, that he did not look on a seat in parliament as the end, but as the means ; that he wished to represent the county of Middlesex, in order to be eminently useful at a sober time of life, but if he could be more useful by giving up his seat, he would give it up, and he would always hold his head by the same tenure. He repeated several times, that he was embarked to defend the rights of the people, which he would do at any risk, always without a wish to encroach on the fair claims of the crown ; that he had been, and should be,

* In the business of the forest of Inglewood in the County of Cumberland.

ever ready to make any submission to the King, which was even hinted from authority, although he was not conscious of an intention at any time to have offended his Sovereign, but that he never would make application for pardon to a minister; that if mercy was extended to him, he hoped he should be permitted to throw himself at the King's feet to acknowledge his Majesty's goodness; if it was not, he had long borne the storms of fate, and his mind was made to adverse fortune; and although he felt his imprisonment and all his persecutions as a man, he would also bear them as a man, and would come out of prison a better man than he went in.

I have now, Sir, given you the whole of the conversation between the placeman and Mr. Wilkes, relative to the political message. Very little passed, which was not particularly attended to by the gentleman, who accompanied the placeman. I believe he will not scruple to say, that Mr. Wilkes's declarations were spirited and manly, and that they betrayed neither peevishness nor despair. I have stated what passed fairly and fully. Not a word was mentioned of any measures of violence or faction. I shall only add that Mr. Wilkes said, after he heard of the late affair in the great assembly, "He has ceased to be my friend, but I continue his: *agnosco veteris vestigia flammæ.*"

Feb. 22, 1769.

Extract from the St. James's Chronicle of March 14, 1769.

I desire you to do Mr. Wilkes justice against the virulent abuse of a letter-writer in the Public Advertiser of last Thursday, who signs, *Pro Lege & Rege*. He says, "In-
"toxicated with the favour of the Middlesex electors, he
"(Mr. Wilkes) assumes an insolence equal at least to that
"of the *Duke of Guise*, (when with forty thousand men at
"his heels he accosted his sovereign) and declares that he
"is without a wish to encroach on the fair claims of the
"crown. I must read over the words again. They are
"as I have written them; and that he was ready to make
"any submission to the —, which was even hinted from
"authority; that is, from the —, for he never would

Q. 2 "make

" make application for a pardon to a minister. Is it possible that any gentleman, that any man, who has the least regard for the dignity of his —, for the interest and honour of his country, can with patience hear Mr. W. put himself upon a footing with the — of Great Britain, and talk of treating with his — in a candid manner, for he has *no wish to encroach on the fair claims of the crown?* Who is Mr. W—? &c, &c." I answer, he is the person whom the freeholders of Middlesex freely and *unanimously* chose their representative in opposition to every kind of ministerial influence, without a single bribe, supported by no proud connections, and attacked by all the low tools of power, and the whole administration.

The letter-writer ought to have quoted the first part of the sentence. Mr. W. in the account published of the conversation between the place-man and him, says, " he was embarked to defend the rights of the people, which he would do at any risk, *always without a wish to encroach on the fair claims of the crown*" He has just before mentioned his seat in parliament. Surely, Sir, nothing could be more proper than such a declaration from the member for Middlesex to a professed *courtier*, and I think it was then almost necessary, after the repeated falsehoods thrown out of the republican schemes of Mr. W. and his friends, and their designs against the king and the monarchy. Such a declaration made to such a man seems to me well-timed, as it was guarding against the foolish as well as malevolent lies of many hirelings of the ministry. Is the letter-writer so ignorant of our history, as not to know that *members*, in some former reigns, have more than formed *wishes*, have proceeded to digest very deep plans, and to perpetrate very violent *actions*, *designedly to encroach on the fair claims of the crown?* and is Mr. W. to be abused for declaring in a private room to a place-man, that he is *even without such a wish*?

The letter-writer says, " Is it possible that any gentleman, that any man, who has the least regard for the dignity of his —, for the interest and honour of his country, can with patience hear Mr. W. put himself upon a footing with the — of Great Britain ?"

I desire

I desire to know if Mr. *W.* is putting himself upon a footing with the — of Great Britain, when he expressly declares in the same sentence, *he had been, and should be, ever ready to MAKE ANY SUBMISSION TO THE KING, which was even hinted from authority.* Is this too an insolence equal to that of the Duke of Guise?

Why will the letter-writer at this time carry us back to a part of foreign and French history, big with horror and cruelty, when the second century after those tragical events is now nearly elapsed?—But I will follow him. The Duke of Guise was assassinated by the express command, or, if you please, by authority of the Most Christian King, Heny III. in the month of December. The first of August following that King himself was assassinated. He fell a victim to the revenge of the *Ligue*, which retaliated on the King's own person the deliberate murder committed by his order on a subject. All Paris, and indeed almost all France in tears on that occasion, shewed how highly the Duke of Guise was honoured and beloved by the people. The monarch died unregretted and unwept.

*No pitying heart, no eye afford
A tear to grace his obsequies.*

Gray.

It is remarkable however that the unthinking part of mankind generally pay a slavish deference to the memory of the deceased assassin, if he was a crowned head, whereas the vulgar and ignoble villain has always the *Sambenito-coat* put on him both by the historian and the priest, and is consigned by them to the fiercest flames. We read endless execrations against Clement and Ravaillac; but the assassin of the Duke of Guise is treated as a good Christian King. Another of the sacred crowned heads, one of the *Lord's anointed*, a prince it is pretended likewise should be named with veneration, is Charles IX. although, according to the French historian *Mezeray*, at the *massacre of St. Bartholomew*, with his own hand he *canardoit ses sujets avec sa grande arquebuse à giboyer*, killed his (protestant) subjects like wild ducks with his great fowling-piece, as they fled from the blood-thirsty catholic ruffians, employed by that King and his mother, Catherine of Medicis, to assassinate the people, whom he had sworn solemnly to defend and protect.

Nº 11.

Page 24. "Till Lord Rockingham's time we do not find the least mark of the disapprobation of *General Warrants*, or the *Seizure of Papers*, in the House of Commons.

The following *Resolutions* of the House of Commons passed during the Administration of the Marquis of Rockingham.

Martis, 22° die Aprilis 1766.

Resolved,

That a *General Warrant* for apprehending the author, printer, or publisher of a libel is illegal; and if executed on the person of a Member of this House, is also a Breach of the Privilege of this House.

Resolved,

That the *seizing or taking away the papers* of the author, printer, or publisher of a libel, or the supposed author, printer, or publisher of a libel, is illegal; and that such *seizing or taking away the papers* of a Member of this House, is a Breach of the Privilege of this House.

Veneris, 25° die Aprilis 1766.

Resolved,

That a *General Warrant* for seizing and apprehending any person or persons being illegal, except in cases provided for by *Act of Parliament*, is, if executed upon a Member of this House, a Breach of the Privilege of this House.

Nº 12.

Page 24. "While you were first Commissioner, you obtained an order, which is entered in the books of the Treasury, that all expences incurred, or to be incurred, on account of the North Briton, N° 45, or the Essay on Woman, should be paid by the Treasury."

Extract

Extract from the Treasury Minute-Book,

Whitehall Treasury Chamber, 31st May 1765.

Present *Mr. Grenville* [*First Commissioner of the Treasury, Lord North and Chancellor of the Exchequer.*]
Mr. Hunter
Mr. Harris

Mr. Chancellor of the Exchequer signifies to my Lords his Majesty's pleasure, that all expences incurred, or to be incurred, in consequence of Actions brought against the *Earl of Halifax*, one of his Majesty's Principal Secretaries of State, the Under Secretaries and Messengers, and the *Solicitor of this Office* [*Mr. Webb*] for proceedings had by them in executing the busines of their respective offices against the publishers of several *scandalous and seditious libels*, should be defrayed by the crown; and that a *sufficient sum* of money should be, *from time to time*, issued to the *Solicitor of the Treasury*, for that purpose.

Read a paper received from *Mr. Webb*, stating what the expences are likely to be, and that a *further sum* of 3000*l.* may probably be wanted for discharging the same.

Issue to *Mr. Webb*, from time to time, as the said services may require, a sum not exceeding 3000*l.* directing him to apply the same according to his Majesty's Commands, to discharge the several expences abovementioned.

N^o 13.

Page 25. "The General Warrant, under which Dr. " Shebbeare was apprehended."

The General Warrant.

These are, in his Majesty's name, to authorize and require you, taking a constable to your assistance, to make strict and diligent search for the author, printer, and publisher, of a wicked, audacious, and treasonable Libel, entitled, "A sixth Letter to the People of England, on " the

“ the Progress of National Ruin, in which is shewn, that
 “ the present Grandeur of France, and Calamities of this
 “ Nation, are owing to the influence of Hanover on
 “ the Councils of England ; London, printed for J. Mor-
 “ gan in Pater Noster Row, 1757 ;” and them, or any
 of them, having found, to seize and apprehend, and
 bring, together with his or their Books and Papers, in
 safe custody, before me, to be examined concerning the
 Premises, and further dealt with according to law. In the
 due Execution, &c. Given at Whitehall, January 12,
 1758, in the thirty-first Year of his Majesty’s Reign.

HOLDERNESSE.

N^o 14.

Page 26. “ A *close* prisoner, without pen, ink, or
 paper, or friend, or relation, permitted to come near
 him.”

“ Orders issued by the Lieutenant Governor of the
 Tower, respecting the detention of John Wilkes, Esq.
 “ That the *Warders* appointed to keep a *close* prisoner,
 “ shall not presume to leave him for a moment alone,
 “ either night or day, or to change their duty with other
 “ *Warders*, but by particular leave, or order from the
 “ Constable, Lieutenant, Deputy Lieutenant, or in their
 “ absence the Major of the Tower.

“ They are to permit no person to have admittance into
 “ the room he is confined in, or to speak to him but by a
 “ particular order brought them by the Major or Gentle-
 “ man Gaoler.”

Major Rainsford declared that *he had other orders besides the Warrant.*

During the *close* confinement of Mr. Wilkes, the *Warders* two or three times indeed at his earnest request brought him pen, ink, and paper, to write to his daughter, to his servants, &c. but they stood by his chair the whole time, took what he wrote directly to the Lieutenant Governor, and then carried away the pen, ink, and paper.

The late Duke of Bolton, Earl Temple, a brother of Mr. Wilkes, his Counsel, Solicitor, &c, &c, were refused admittance at the Tower.

N^o 15.

N^o 15.

Page 27. "The *Warrant* against him (Mr. Arthur Beardmore) for several numbers of the *Monitor* was made *special*."

The Special Warrant.

GEORGE MONTAGU DUNK, Earl of HALIFAX, Viscount SUNBURY, and Baron HALIFAX, one of the LORDS of his MAJESTY's
 L. S. most Honourable PRIVY COUNCIL, Lieutenant General of his MAJESTY's Forces, Lord Lieutenant General, and General Governor of the Kingdom of IRELAND, and principal Secretary of State, &c.

These are in his Majesty's name to authorize and require you, taking a constable to your assistance, to make strict and diligent search for *Arthur Beardmore*, the author or one concerned in the writing of several weekly very seditious papers, entitled the *MONITOR*, or *BRITISH FREEHOLDER*, N^o 357, 358, 360, 373, 376, 378, 379, and 380. *London* printed for *J. Wilson*, and *J. Fell*, in *Pater-noster-row*, which contain gross and scandalous reflections and invectives, upon his Majesty's government, and upon both Houses of Parliament; and him having found, you are to seize and apprehend, and to bring together with his books and papers, in safe custody, before me, to be examined concerning the premises, and further dealt with according to law: In the due execution whereof, all mayors, sheriffs, justices of the peace, constables and all other, his majesty's officers civil and military, and loving subjects whom it may concern, are to be aiding and assisting to you, as there shall be occasion. And for so doing this shall be your warrant. Given at *St. James's*

R the

the sixth day of November 1762 in the third year of his Majesty's Reign.

DUNK HALIFAX.

To *Nathan Carrington, James Watson, Thomas Ardran, and Robert Blackmore, Four of his Majesty's Messengers in Ordinary.*

N^o 16.

Page 43. "Such tricks about records."

Extract from the North Briton of Aug. 12, 1769.

I observe in the *Proceedings*, that on the 8th of July, 1763, the *Secondary* mislaying the *Alias Distringas*, the *Filacer* could not sign the *Pluries*, but the *Secondary* found the *Alias* on the 7th of November. The name of this upright, conscientious *Secondary* is *Henry Fothergill*. I call upon him to justify his conduct to the public. The designedly losing of a particular writ by an officer of a Court of Law proves that the very fountains of justice are polluted. The ordinary course of legal proceedings was by this trick for some months entirely stopped. If this pretended accident had not happened, or this management taken place, Lord Halifax might have been brought into Court, notwithstanding all the contumacious delays, which were made, and the outlawry could have had no effect in that action.

To save Lord Halifax was likewise one of the motives, which induced Lord Mansfield to venture on the *alteration of the records*. The original words of the records were too vague to have convicted *Mr. Wilkes*. It was necessary to be more precise. If the alteration had not been made, the indictment must have been quashed. And this would have caused such a delay in the proceedings against *Mr. Wilkes*, that Lord Halifax would have been obliged to appear, to be convicted for the *General Warrant*, and to pay the consequent damages. To prevent this was one great motive of Lord Mansfield's alteration, and it had its effect. Lord Halifax escaped by that alteration,

teration, and by that alone. This interruption and delay is doubly injurious in a personal action, like this against Lord Halifax, because the defendant may die, as Lord Egremont did, and then the party injured can have no redress. From the same motive of delay, and to save Lord Halifax, if possible, the reversal of Mr. Wilkes's outlawry was deferred to the last moment. The counsel for Mr. Wilkes were intreated by Lord Mansfield to argue it again after the famous pleadings of the 7th of May, altho' they had spread a general conviction among mankind. This they absolutely refused in pursuance of his directions, and yet the judgment of the court of King's Bench on the outlawry was not given till the 9th of June, by which Lord Halifax escaped the last year. Another remarkable circumstance respecting Lord Mansfield I desire to state, for I would give the world an accurate account of the most minute circumstances of this interesting affair. In the *Annual Register* for 1768 it is said, " In an address to the Freeholders of Middlesex published since the reversal of the outlawry, (dated June 18, 1768) Mr. Wilkes makes this remarkable declaration, " *In the whole progress of ministerial vengeance against me for several years, I have shewn to the conviction of all mankind, that my enemies have trampled on the laws, and been actuated by the spirit of tyranny and arbitrary power. The GENERAL WARRANT, under which I was first apprehended, has been judged illegal. The SEIZURE OF my PAPERS was condemned judicially. The OUTLAWRY, so long the topic of virulent abuse, is at last declared to have been contrary to law; and, on the ground first taken by my learned counsel, Mr. Serjeant Glynn, is formally reversed.* " This it is thought necessary to insert, as it has been said " in all the papers, that the error on which the outlawry was reverted was discovered by Mr. Wilkes's enemies."

Page 127. I believe that this assertion, which is not founded in truth, was inserted in all the papers by the order of Lord Mansfield. From the address it appears that Mr. Wilkes contradicted it under his hand so early as the 18th of June 1768. The discovery was made by Mr. Wilkes's counsel. It is certain that at the reversal of the outlawry on the 9th of June his Lordship did not reverse it on the large and liberal ideas of law and justice,

which had been ably given by Mr. Serjeant Glynn, but from the omission of the two famous words, **PRO COMITATO**, which the Serjeant had likewise stated. Lord Mansfield however ventured to declare, that he first discovered this error, which had never been mentioned by Mr. Wilkes's Counsel, although the fact is, that it had been particularly insisted upon by Mr. Serjeant Glynn. Almost the whole bar, who were present both on the 7th of May, when the errors were argued, and on the 9th of June, when the outlawry was reversed, heard his Lordship's declaration with astonishment and horror, as a daring violation of truth in a solemn court of justice from the President of it. I appeal on this occasion to Mr. Serjeant Glynn, to Mr. Davenport, to both their briefs, not to the *rancour*, but to the *memory* of Mr. Thurlow, and to the whole bar,

N^o 17.

Page 73. “ *Sextus Clodius, the Wedderburn of the Roman bar.*”

The case of *Sextus Clodius* has been stated from Cicero. I proceed to the other instance of a Scottish gentleman of that *unlearned* profession, as Lord Bolingbroke calls the law. During the late ridiculous contest between the Doctors of Physick and the Licentiates, *Mr. Alexander Wedderburn* in his pleadings affirmed with his usual modesty, that no woman could be possibly alluded to in a certain Latin parchment produced on the occasion; for the word was *homo*. Till this bold declaration of that *learned King's Counsel*, *homo* was always understood to comprehend man, woman, and child; and the wives, sisters, daughters and children of Englishmen were thought to be included in *THEIR Great Charter*, “ *Nullus liber homo capiatur, vel imprisonetur &c.*” But this daring northern hero has crossed the Tweed to disfranchise half the English nation. Heaven forbid that he should proceed to interpret in this manner the rest of our laws! The whole practise of them is already too much *unsettled* by the arbitrary *discretion* of another of his countrymen. It is to be hoped, for the honour of this age, and the *free* constitution of our country, that we shall

not

not have him likewise to oppress us with four heavy quarto volumes of *Commentaries on the Laws of England*, which might only serve to confound all our clear ideas both of law and equity, to fritter away the first great principles of liberty, to demonstrate nothing but the *infinite divisibility of law* as well as of matter, and to reduce the high spirit of *Magna Charta* itself to the slavish doctrines of *Oxford* toryism or *Scottish vassalage*.

N° 18.

Page 74. “ Many atrocious illegal acts.”

Extract from the Political Register for August 1768.

Twelve Queries.

1. Was the *General Warrant*, under which Mr. Wilkes was apprehended, *legal*?
2. Was the *Seizure of his papers* *legal*?
3. Was the making use of those *papers* in a criminal prosecution *legal*?
4. Was the corrupting a servant to betray and rob his master *legal*?
5. Was shifting the custody of Mr. Wilkes, after the *Habeas Corpus* was known to be granted *legal*?
6. Was his commitment to the Tower, for a bailable offence, and denying any person access, who was ready to have bailed him, and the depriving him of the use of pen, ink, and paper, to apply to counsel, *legal*?
7. Was the *alteration of the records* in two criminal prosecutions, only the day before the trials, without the knowledge, and against the consent of his solicitor, *legal*?
8. Was the branding the North Briton, N° 45, with the epithet *treasonable* at first in the *General Warrant* in order to inflame, when in all the subsequent proceedings that pretence was given up, *legal*?
9. Was the refusal to accept Mr. Wilkes's personal surrender, in order to question the legality of the outlawry, *legal*?
10. Was

10. Was the refusal of bail, during the dependance of the question on the outlawry, *legal*?

11. Was the delay of justice in the reversal of the outlawry, when it was reversed on the arguments first used, *legal*?

12. Was the *outlawry legal*?

Among the many cruel, mean and oppressive measures of this administration against Mr. Wilkes, the following ought to be noticed. When he was at dinner with several friends at the King's Arms in Cornhill, on the 10th of April 1768, he was served in the midst of them, by an agent of the Treasury with an Exchequer Writ or Bill of discovery, upon information, consisting of many sheets of paper, in order to find and seize all his effects under the *outlawry*, as being forfeited to the Crown, although the *Writs of Error* had been actually moved for at that very time. The *outlawry* has since been declared *illegal* from the beginning. *Quere.* If the Treasury had succeeded in their attempt of seizing the effects of Mr. Wilkes under that *illegal outlawry*, would it not have been a downright *robbery*?

Nº 19.

Page 79. " *The Letter to the King and the Petition.*"

The following is a genuine copy of Mr. Wilkes's Letter to the King, which was delivered by his servant at the Queen's palace on the 4th of March, 1768.

S I R E,

I beg thus to throw myself at your Majesty's feet, and to supplicate that mercy and clemency which shine with such lustre among your many princely virtues.

Some former ministers, whom your Majesty, in condescension to the wishes of your people, thought proper to remove, employed every wicked and deceitful art to oppress your subject, and to revenge their own personal cause on me, whom they imagined to be the principal author of bringing to the public view their ignorance, insufficiency,

insufficiency, and treachery to your Majesty and the nation.

I have been the innocent but unhappy victim of their revenge. I was forced by their injustice and violence into an exile, which I have never ceased for several years to consider as the most cruel oppression; because I no longer could be under the benign protection of your Majesty, in the land of liberty.

With a heart full of zeal for the service of your Majesty, and my country, I implore, Sire, your clemency. My only hopes of pardon are founded in the great goodness and benevolence of your Majesty; and every day of freedom you may be graciously pleased to permit me the enjoyment of in my dear native land, shall give proofs of my zeal and attachment to your service.

I am, Sire,

Your Majesty's most obedient, and dutiful subject,

March 4, 1768.

JOHN WILKES.

The Petition.

Extract from the Middlesex Journal of Sept. 26, 1769.

A variety of *Petitions* have of late been presented to the throne, from very respectable bodies of men, from the capital city of the British empire, the first county in England, &c. I have been very curious to enquire into their reception and success. I am told that it is impossible to imagine any thing more cold, uncivil, or forbidding, than the reception they have had from the Sovereign, and that he has never vouchsafed to say a single syllable to the gentlemen, who have attended on these occasions. I therefore suppose the success of all the late *Petitions* is not precarious, but absolutely to be despised of, at least for some time.

We have been long amusing ourselves in England with stating the subjects right to *petition*, and it has been incontestably demonstrated from the *Bill of Rights*, and the very nature of our Constitution. Alas! sir, of what use is this right to us now? The sense of the nation indeed by this method is at present well known, but it happens to be diametrically opposite to the will of the real Minister, and therefore

therefore it is disregarded. In the arbitrary governments of France and Spain *Petitions and remonstrances* are likewise actually received—and neglected as in England. Yet a few obliging, but unmeaning, words are generally uttered by the Prince, accompanied with a polite manner and a gracious smile, to sooth the distress of the humble suppliants till they are got out of the sight of their Sovereign. If those two Kings are not great Princes, they are at least good actors of Majesty. The *Petitions and remonstrances* are afterwards laid by as the most useless lumber in the palace, *tout comme chez nous*, in Harlequin's phrase. One comfort only remains to us as Englishmen. Our history tells us that whatever minister has dared to act against the sense of the people has in the end fallen the unpitied victim of his own insolence and rashness.

Besides the *Petitions* of large bodies of men, several private persons have lately made application to the throne in the same manner. The only successful *Petitioner* I can recollect is *Mac Quirk, the murderer*. His *Petition* not only saved his life, but got him a pension, which he enjoys in his native county of Kilkenny, till his friends, the ministers, want him again in the county of Middlesex. Now I have mentioned Middlesex, I shall just remark, that this is not the only county in which the baneful influence of the Thane has been severely felt in elections. The papers published by the express orders of the late Mr. Legge prove, that *Target Martin* was employed by *Lord Bute* to impose, in the most insolent manner, *two members on Hampshire*. One of them was a *Stuart*. Mr. Legge was commanded by *Lord Bute's* message to bid adieu to the county of Southampton at the general election, and affit, as far as lay in his power, the *Prince of Wales's* nomination. These are the very words. I believe a more direct attempt was never made to invade the right of free election, nor a greater insult offered to a large and powerful whig county, who very generally loved, honoured, and confided in, Mr. Legge. This happened too before the cruel talons of *Bute* were full-grown, when he appeared rather *timidis unguibus*.

The

The case of *Mac Quirk*, now pensioner as well as murderer, naturally reminds me of another *Petition*, and of the melancholy situation of Mr. Allen's family, since the inhuman massacre of our countrymen on the bloody 10th of May 1768. The worthy father of the unfortunate young man has lately presented a *Petition* to the king, but he has had no answer nor relief, and in all probability the foul murder of his only son will go unrevenged, till *God shall make inquisition for that innocent blood*.

The last *Petition* I shall mention is, that of Mr. *Wilkes*, which I enclose to you, as I have not yet seen it in print. It has been, and will continue, no less ineffectual than that of Mr. Allen. It only served to shew, that the petitioner was ready to make any fit and decent submission to the person of his sovereign, although to no one of his ministers. I send it to you, Sir, because it appears to me just, manly, and spirited, becoming a free-born Englishman to his prince, not the language of a crouching, abject, fawning slave of an absolute monarch. I have met with some few men of sense and humanity, who think that Mr. Wilkes deserved the first year's imprisonment and the first fine for the *North Briton*, No 45, but I have not heard a single man of understanding, or honour, of opinion, that he deserved even the slightest censure for having an idle poem carefully locked up in his closet, which in fact has only been made known by the villains who stole it, and by their abettors. I know that in every court of Europe the whole of that proceeding has been thought base and infamous, and the most indelible disgrace will for ever remain on all concerned in it, as gentlemen and men of reputed honour. Perhaps a more fit, or just, subject of the interposition of the crown by a remission of the second sentence, even for the honour of government, has never occurred; but all struggles against the natural bent of an obstinate mind are vain and ineffectual. It is besides an old observation, that we often pardon those who have injured us, but never those we have injured.

*To the KING's most excellent MAJESTY. The humble
Petition of JOHN WILKES,*

SHEWETH,

That your petitioner, having stood forth in support of the constitutional rights of this kingdom in opposition to a late violent administration, hath been severely prosecuted at law, and sentenced to pay a heavy fine, and to suffer an imprisonment of twenty-two months; that the unfair methods employed to convict your petitioner have been palpable and manifest; that the petitioner has always been your Majesty's loyal subject, zealously attached to your illustrious house, and will remain the same to the end of his life; that he looks up to the throne only for that protection and justice, which eminently distinguish your Majesty's royal character; that your petitioner with the greatest deference submits the whole of his case to your Majesty's consideration, and humbly supplicates your loyal clemency.

And your petitioner, as in duty bound,
shall ever pray.

King's Bench Prison.

JOHN WILKES.

Nov. 28, 1768.

F I N I S.



The author's distance from the press has occasioned the following Errata.

Page 4, line 18. after *General Warrant* add, " to apprehend and seize, together with their papers, the authors, printers, and publishers of the North Briton, N° 45."

20, — 6. for *Scotch*, read *Scottish*.

24, — 20. for *was*, read *were*.

— 16. after *Papers*, add a comma.

32, — 15. after the word *atlantick*, add a comma.

43, — 3. from the bottom, for *me*, read *us*.

50, — 1. for *can*, read *cannot*.

62, — 5. dele the comma after *England*, add it after *this*.

71, — 1. for *council*, read *counsel*.

